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McGill Journal of Refugee & Migration Studies

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McGill Journal of Refugee and Migration Studies

Revue des Études sur les Réfugiés et la Migration de McGill

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About the Journal

The McGill Journal of Refugee and Migration studies is a student-run academic journal affiliated with the WUSC McGill Local Committee. We publish interdisciplinary work related to refugees, global migration, and diaspora studies.

À propos de la revue

La Revue des Études sur les Réfugiés et la Migration de McGill est un journal académique maintenu par des élèves affiliés au comité local EUMC de McGill. Nous publions des travaux interdisciplinaires à propos de réfugiés, de migrations globales et d'études de diaspora.

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Land Acknowledgment

The McGill Journal of Refugee and Migration Studies was primarily produced in Montreal, also known as Tiohtià:ke to the Kanien'kehá:ka Nation. We recognize the Kanien'kehá:ka Nation as the original custodians of these lands and waters, and deeply respect their right to self-determination. As well, we acknowledge the enduring impacts of colonial violence and urge readers to engage with decolonial practices.

Reconnaissance des Terres

La Revue des Études sur les Réfugiés et la Migration de McGill a été principalement produite à Montréal, également connue sous le nom de Tiohtià:ke par la Nation Kanien'kehá:ka. Nous reconnaissons que la Nation Kanien'kehá:ka est la gardienne de ces terres et ces eaux, et respectons profondément son droit à l'autodétermination. Nous reconnaissons également les impacts persistants de la violence coloniale et invitons nos lecteurs à s'engager dans une démarche décoloniale.

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Editor's note

Dear reader,

Thank you so much for picking up a copy of the McGill Journal of Refugee and Migration Studies. I am proud to present the journal's fourth volume, featuring articles, reflections, and photography created and edited by undergraduate and graduate students at McGill University.

The MJRMS operates out of the McGill WUSC Local Committee, a student-led group that sponsors refugee youth to resettle in Canada and study at McGill. This week, the Local Committee successfully passed a referendum to increase the student levy for WUSC, ensuring that 50 scholars will be sponsored over the next five years—an incredible win amidst a globally tumultuous climate towards refugees and immigrants.

As I write this note, Bill C-12 has just been made law, limiting the ability to seek refugee protection in Canada. The passing of this concerning piece of legislation, alongside mass ICE deportations in the US and multiple ongoing genocides and wars displacing millions from their homes, makes listening to critical voices essential.

The pieces featured in this year's volume are wide-ranging, reflecting the numerous and multifaceted issues facing migrant and refugee communities today. Spanning various geographic contexts, topics range from institutional analyses of immigration policies, to public attitudes towards migration, to the lived experience of "integration."

Above all, my goal with this volume is to leave you with a sense of hope. In the face of rampant threats to the safety and dignity of migrant communities in Canada and abroad, I want to emphasize the importance of scholarship, literature, and art in sustaining hope and fueling action. A mentor once told me that hope is a verb; it is something you earn by *doing*. Writing, editing, or reading a piece are all acts of hope.

I am truly grateful to the contributors of this volume, including the editorial board, authors, and photographers. Your work inspires me, and it is important.

I hope this volume sparks new ideas, conversations, and collaborations that contribute to a brighter and more just world for refugees, immigrants, and non-migrant communities alike.

In solidarity,

Michelle Wang
Editor-in-Chief, MJRMS 2025-26

Introductory Article

What is it like to be a Refugee?

Written by Mohammad Alnatour

When discussing the challenges and hardships refugees face, it is imperative to center their voices. To do so, one must first understand what it is like to be a refugee. However, as one myself, I find it hard to accurately describe the experience. The UNHCR defines a refugee as “someone who has been forced to flee his or her country.” Sure, but the question remains: What does it feel like to go through that? I believe every refugee has a different journey, and while we share some common experiences, each has a unique story. Therefore, I could tell you what it was like for me being a refugee, but it will be an entirely different story for someone else. That is why it is important to keep listening to refugee stories. Every story deserves to be heard.

I grew up in Syria, a beautiful country on the Mediterranean. However, after the revolution started against the tyrannical Ba'athist regime, my family, among many, was forced to flee the country. We left for neighboring Lebanon. What then seemed like a lovely tourist trip in my 11-year-old mind was soon shattered by reality. Thinking it would be for only a few weeks, we stayed in the back area of my grandpa’s tailor shop in Beirut until “things calmed down back home.” Soon after, my other two uncles and their families also followed us. For almost an entire year, there were eight adults and nine kids, including two infants, living in a 64 m2 space. During that time, my parents were uncertain about the future, so they were unsure whether to enroll us in school. A concerned neighbor (an angel from the sky, may I say) told them that “the kids are very smart, and it would be haram—a sin—leaving them out of school.” To that neighbor, Um Mostafa, I owe much of what I have achieved since then.

And so, uncertainty has been my constant companion since the beginning of my refugee journey. In the years to come, I would have numerous fights with my dad while asking for his permission to take the journey by sea to Europe, a journey that many did not survive. I would also have a devastating conversation with him in which he told me, “Mohammad, your sister has just graduated high school, and I cannot afford to help both of you attend university.” My father gave us more than he could, but

the reality for refugees is that there's a limit to what you can give. And there I was, one of my high school's top students, being told that I had to work or else I would not be able to continue my education.

Therefore, access to education was always hindered for me, even way before university. I remember being "interviewed" when my mom was trying to enroll me for the first time in Lebanon, which was not a usual admission step. I remember being told, "Your English is very good for a Syrian; that's why you will pick up your education from where you left off." Many other Syrian kids did not, and therefore had to be downgraded a school year or two because of their "weak" English. I remember being held back from starting school for entire weeks at times because "registration is first open to Lebanese students. After that, the remaining seats would open to foreigners." The beginning of the school year was a particularly anxious period for my mother, not knowing whether she would be able to get us a seat. My younger brother had to be denied admission for a full year because of this.

That is why I cried with happiness when I received my admission letter to the WUSC Student Refugee Program. I remember that I was at work when I got the email. I lost focus and asked to be dismissed early. I got home, and my dad opened the door. I hugged him, and I started crying. My dad asked me what was wrong, and the only words that would come out of my mouth were "I will get to continue my education," as I sobbed even harder. Before then, I had heard a lot about the "tears of joy," but I never thought they were real.

Mohammad Alnatour *is a student in the Student Refugee Program (SRP), part of the 2022 cohort, and is currently pursuing an undergraduate degree at McGill University with the dream of becoming a doctor.*

Saved for Later: Motivation to Escape Borderline-Starvation

Written by Mi'hi Sheiyll

When the days are long and money is short, a granola bar you collected and kept safe from a campus event—one you can't even remember anymore except that it said "Free Food"—becomes the one thing you can fall back on as an international student.

Sometimes that small possibility is the motivation that pushes you out of bed and onto campus, arriving at the right place at the right time. The simplest and most universal human motivation: escaping the edge of hunger.

Back home, food meant abundance. Family urging you to eat more, plates refilled before you finished the last bite.

No one really sees how the tables turn—how colorful pages of life slowly fade into shades of gray. Limited work permits, endless legal paperwork, housing costs, proof-of-funds requirements, the mental burden, and the quiet reality of immigrant life.

The fact that international students like myself manage to keep going sometimes feels like a miracle in itself.

Yet there are moments like this one.

Sitting on a wooden bench between classes, legs stretched toward the sun, opening the snack you saved days ago. The campus moves around you—students walking past, bicycles rolling by—while you pause for a few quiet minutes.

It is not much.

But sometimes survival is made of small miracles: a warm afternoon, a saved granola bar, and the determination to keep going.

Mi'hi Sheiyll *is a Montreal-based multipotentialite and interdisciplinary artist. Born in Bangladesh into a minority community, they transform personal struggle into radical alchemy—creating work that turns inward experience into shared resonance. Their practice moves through a prism of spirituality, shaped by a neurodivergent lens and grounded in a queer identity. Above all, they are a dreamer and change-maker, devoted to the art of survival and the quiet, enduring beauty of resilience.*

A Successful Disguise: The "Integration" Trajectory of a Two-Time Iranian-Canadian Immigrant Mother

Written by Hana Sherafati Zanganeh

Edited by Susana Baquero Salah

Abstract:

This reflective essay interrogates the meaning of "integration" by examining how it is experienced, rather than how it is defined in theory. Drawing on an in-depth interview with my mother, a two-time immigrant from Iran who settled first in Toronto (2002) and later in Montréal (2014), I argue that integration is not a linear or universal process, but an unstable and context-dependent one. Through her contrasting experiences across two Canadian cities, the essay demonstrates how integration is shaped by everyday interactions, linguistic expectations, and the presence or absence of social networks. While Toronto offered conditions that enabled a sense of belonging, Montréal imposed linguistic and social constraints that led to exclusion, despite her prior experience and efforts. These experiences challenge dominant narratives that frame integration as the outcome of individual effort, revealing instead how societal expectations determine who is recognized as a "successful" immigrant. Ultimately, this essay hopes to demonstrate that integration reveals more about the host society's conditions of acceptance than about immigrants themselves.

Hana Sherafati Zanganeh *is a Master's student in Political Science at McGill University. Her research explores diasporas, particularly the Iranian diaspora, using qualitative methods such as oral history to examine how gender, identity, and social movements shape experiences of integration and belonging.*

"*Every time you integrate in one way, there is always something that you are not doing right*" (Lida Sheibani in an interview with the author, March 2023).

If you ask my mother, integration is a made-up concept. I decided to interview my mom as a student to gain a better understanding of her life while fulfilling my academic requirements. I began the interview with the concept of "integration" and a list of questions I had written, trying to sound organized and knowledgeable about the subject. As her daughter and as a first-generation immigrant myself, I expected to know exactly what she would be sharing. However, once we started talking, the word "integration" stopped feeling like a term I understood or could analyze from my own perspective or through an academic lens. The concept shifted and turned into an idea I couldn't easily define.

My mother is Iranian. As am I. My family and I immigrated to Toronto in 2002 in hopes of a better life, brighter dreams, safety, and security. Both my parents loved and continue to love their homeland. Iran carries their dreams, their memories, and their love. Canada was simply the best choice for the new dreams they had to agree upon once they had children. My parents' decision to start their immigration process was due to the difficult reality that their children deserved a better future outside of the country that Iran was actively turning into: one of increasing oppression and corruption.

My mother's story involves more than one beginning. She first immigrated from Iran to Toronto in 2002. In 2009, after several years of trying to rebuild their lives in Canada, my parents decided to move back to Iran following economic crises, lost jobs, and the inability to secure new employment. This time, however, we settled in Montréal, Québec, rather than Toronto, Ontario.

Although this trajectory does not necessarily constitute two separate immigrations in a legal sense, I often refer to my mother as a "two-time immigrant" to describe an experiential rather than juridical sense of immigration. Both arrivals in Canada required her to navigate the long and uncertain process of rebuilding a life: learning how systems work, searching for employment, learning a new language, forming new social networks, and trying to determine where and how she belonged. In this sense, her return to Canada in 2014 felt less like a continuation of a previous life and more like starting over. These were not identical arrivals, and the difference is precisely why I think her story matters. The same person, in the same country, felt as though she was succeeding in one place and failing in another, and the difference had nothing to do with effort or attitude. This contradiction raises an important question: *how does a single immigrant come to be categorized as successful in one context and unsuccessful in another?*

Integration is often framed as a process meant to facilitate a newcomer's journey. From the very first moments, immigrants can be classified based on their progress, dividing them into groups that are accepted or rejected within Canadian society. On the one hand, the "successful immigrant" is defined as "the immigrant who migrated to Canada with little, but through hard work and perseverance was able to integrate financially, economically, and/or socially" (Sakamoto et al. 2013, 16). On the other hand, the "unlucky immigrant" is

defined as an immigrant who "experiences what is generally portrayed as a disproportionate amount of challenges, and does not find "success" through integration into the job market" (Sakamoto et al. 2013, 16-17). Integration is supposed to be about "incorporating newcomers into a democratic process of participation and negotiation that shapes the future" (Li 2003, 12). Instead, immigrants face a system that revolves around ideas of "conforming and confining people to preestablished outcomes based on the status quo" (Li 2003, 12). My mom faced social exclusion in the same country where she had once felt truly included. When I think about integration now, I no longer imagine a linear process in which an immigrant gradually learns how to live in a new country. Instead, I picture my mother repeatedly trying to locate the version of herself that a particular place would accept.

Immigration is not a universal experience. Thus, my mom's experiences are not a monolith for all immigrants. Yet, some factors may feel familiar to many. When my mother decided to start her immigration process to Canada, she was under the impression that Canada was a country "in need of immigrants" (Sheibani 2023). She also shared that she was under the impression that, in comparison to the United States, Canada was an "immigrant-loving country." Granted, this was in 2001 and early 2002, and anti-immigrant sentiments have risen since then. Nonetheless, my mom arrived in Canada expecting to feel a true sense of acceptance as an "economic immigrant." She was well aware that immigration and the process of integration would require much work, work that she was willing and able to do. In her experience, her hard work paid off in Toronto. However, upon arriving in Quebec, she did not expect "integration" to suddenly take on such a structured and immediate character, where certain actions felt both necessary and time sensitive in order to be recognized as a "successful" immigrant. Her experience suggests that, at times, integration can depend on how much of the host's expectations you are willing and able to fulfill within the time frame assigned to you.

The First Beginning: Social Networks in Toronto

A person who has left their home in order to build a new life is leaving everything behind, restarting, and rebuilding themselves. To do so without the support of a "village" is simply unreasonable.

During the interview, my mom spoke about how critical personal networks were during both immigration processes. At her first arrival in Canada in 2002, she described how overwhelming these first moments felt:

> We had a friend in Mississauga, so that's where we went, and we didn't have any idea about Canada. It was summer, and the weather was really nice, but everything for us was completely different. I can't imagine how lost we were, and I believe that without our friend's help, we wouldn't have been able to do anything. We didn't know anything about shopping, groceries, gas stations, everything...
>
> The friend let us stay with them for two to three weeks until we could find an apartment to live in, which was really hard, because to rent an apartment, you need to have a job, and you need to have money, and you need to have a background check, but imagine you have just arrived in

.

> Canada. You don't have a job, you might have a bank account, but you still don't have a chequebook to write a check for the landlord. So, it was really complicated. And I believe this is one of the problems that all the immigrants have here. You arrive without a job, and they ask you so many questions, you know; you need a lot of stuff to just rent a house.

Thus, the support, care, and guidance of a single friend paved the way for my mom's integration. Without it, my mom's immigration experience would have been completely different and all the more challenging.

Although the Canadian government offers various forms of support to newcomers, this support usually falls short in practice. The early dependence on social networks appeared in her search for housing, in her access to public transport, her ability to open a bank account, and her parenting ways. Immigrating also meant that raising children would look different:

> For me, the most important thing was my daughter, because I had to put her in daycare since I had to study and work at the same time. At that time, my husband didn't speak English, so I was the only person who did. So it was my job to find a way to earn money, and he was supposed to attend English classes to improve his language skills. But putting my daughter in daycare was the worst part for both of us. I remember checking many places to find the best one for her. I went to different daycares to find teachers who were really nice. Finally, we found a daycare close to our house, and the people were so nice. I was specifically looking for someone who spoke Farsi because my daughter didn't know English. She was two years old, and her language was Farsi. So I was specifically looking for a daycare with at least one Iranian person, so she could help her integrate. There was a lady named Fariba who was really nice, and the other teachers were wonderful as well.
>
> But I remember that for the first two weeks, my ex-husband and I were sitting outside the daycare. The daycare had really large windows, and we could see our daughter. Because she was crying, the teacher, whose name was Elizabeth, was carrying her at all times to support her. But we were sitting outside, and we were crying. It was crazy. We were asking ourselves why we did this. If we were in Iran, we would not have had to put our daughter in daycare. We could have been with her. I could have been with her all the time, or even if not me, my family. But I kept telling myself that I was doing it for her. I just wanted a better life for all of us. So, adapting to daycare, sending my daughter to daycare, was a really hard process for me.

Immigration, therefore, does not simply require adaptation to a new society, but also requires doing so while rebuilding the networks of support that previously structured everyday life. The Western World is a fan of individualistic efforts and independent success. Immigrants are expected to integrate as quickly as possible, regardless of whether they have support. However, a significant correlation exists between personal networks and survival within society. Social networks are required in order to achieve social support, which is "important to both individual and collective wellbeing" (Hanley et al. 2018, 125). The presence of personal networks providing social support to immigrants "affects their decisions around migration and, later, their experiences in terms of employment, housing, and sense of belonging" (Hanley et al. 2018, 125). Much research has been conducted to show how personal connections "can make a big difference

in terms of the type of information, resources, and support a person can access through their network" (Hanley et al. 2018, 124). In immigration, it is unreasonable to expect government resources and support to be enough for any individual. Many immigrants and newcomers tend to find jobs "through family, cultural, or community connections" or even through "distant relatives, or through their place of worship" (Kosny et al. 2020, 815). Thus, my mom's experience demonstrates that immigrant integration is rarely an individual journey; it is deeply shaped by the presence or absence of supportive social networks.

My mom's integration in Toronto was ultimately quite successful, as she gained confidence, comfort and fluency in her language skills, found a community of allies willing to help her through her integration processes, and friends who would provide her with temporary relief in moments of utter loneliness:

> For me, language wasn't a barrier because I had a bachelor's degree in English translation, so my foundation in English wasn't bad. When I went into society, it improved really fast. That is why, later, I began working as a teacher's assistant at my daughter's school. They were asking me to go there and help the kids with reading and writing. I didn't have a problem with the language.

Beyond language, relationships at the school also shaped her experience:

> Another experience is that in Toronto, the teachers and the principal at my daughter's school were like friends. They were always asking me to come and work with them, help them, or volunteer. I was always at the school and was always welcomed there. Even when I was leaving, they gave me two or three awards for the time that I spent with the kids there.

Outside of the school, she found similar support in her community:

> My neighbour was a Canadian lady who was so supportive and so nice. She used to come and just knock on our door and bring chocolate or toys for the kids. Our other neighbours also had kids who were the same age as Hana, and they were also so nice and supportive.

Nonetheless, my mom still faced barriers to integration, such as being unable to find a job in her field and being greatly underestimated in everything she did. Without personal connections to facilitate integration, many newcomers struggle to find jobs if they do not have "Canadian experience" (Kosny et al. 2020, 812). This was the case for my mom, yet she remained hopeful:

> So I started courses at a college that was helping immigrants integrate and improve their knowledge to find a better job. I was going to class in the morning and working in the afternoon. At that time, I changed my job again. I found a job at a tailor shop because I had a diploma in sewing, so I started working there. But I had a really hard time in those days because I didn't have enough time to see my daughter. After that, thanks to God, I had a friend who gave me a recommendation. I was able to find a job as an administrative assistant for a woman who worked in real estate, but she also ran a clinic because she was a registered nurse. After that, I stopped studying and started to work full-time. In the evening, I had time with my daughter, but my husband still couldn't find a job. The first job he could get was delivering pizza. I remember the first night because, for us, these kinds of jobs are

> taboo in our country. My husband had a business, and I was working in an office, and I didn't even have to work. But coming here and becoming a general labourer or a pizza delivery driver was too much. It felt like we were losing everything. We were losing ourselves. I remember that during the first week that my husband was working as a pizza delivery driver, all I was doing was crying. I was sitting on the couch waiting for him to come back.
>
> I think that during that period of time, both of us were very depressed because of the jobs that we had, especially him. We were just trying to stay positive and tell ourselves that this was only temporary and that we were going to find our place, as most immigrants do.

Therefore, one's difficulties in integration are not necessarily due to their inability or unwillingness to integrate, but the context of immigration and the people they have the chance to meet. Despite some barriers, my mom persevered in Toronto and was a proud Iranian-Canadian with the belief that her hard work would eventually pay off.

The Second Beginning: Language in Montréal

The shock took place during my mom's second immigration to Montréal in 2014. Despite having immigrated once before, despite speaking perfect English, and despite understanding much of the Western culture she was immersed in, my mom's integration process in Montréal consisted of failure after failure. She told me that she eventually realized that "immigration is a guarantee of constant cultural shocks, despite how much you have already integrated." The difficulties surrounding language and employment were not issues my mom was expecting the second time around. Without the presence of personal networks and the approved language, her integration in Montréal was somehow more challenging than her integration in Toronto, despite being her second round of immigration:

> It wasn't easier at all. And I believe it was much harder, because in Toronto, I could communicate. I was welcomed. I was just going to this daycare, that daycare, comparing the daycares to find a better one for my daughter. And everybody was so accepting, so nice to me, but here I wasn't welcome in the schools. Nobody wanted to talk to me because I couldn't speak French.

Language plays a significant role in integration. The expectations that come with language go beyond simply speaking it. When it came to French, my mom was once again aware that she would have to make significant efforts to learn a language she had no prior knowledge of. This was a challenge she was prepared for. However, she stated that what shocked her was "the constant impatience every time I made an effort to speak French, as if I was disrespecting them by speaking poorly rather than respecting them by trying." This is perhaps due to Quebec's longstanding fear of losing its culture and history as the French language "is not only seen as a linguistic resource, but is also tied to a strong sense of nationality" (Breton-Carbonneau and Cleghorn 2010, 105). This dynamic became visible in her everyday interactions.

As my mom recalls regarding parent-teacher conferences, "I knew the teachers and the principal could speak English, but they didn't speak English to me. They were pushing the French." When she moved to Toronto in 2002, her English was at an intermediate level, yet

she had the opportunity to communicate and perfect her English through experience and continuous interactions. As she explained, “In Toronto, people were always welcoming to you. When they saw that you were an immigrant, they wanted to embrace you and help you.” The challenge of integration thus presents itself in everyday interactions, where language becomes a barrier to communication and belonging.

Quebec offers *classes d'accueil* (“welcome classes”), which have successfully promoted French among newcomers. However, the pressure to learn French in order to integrate can transform language learning into a major source of anxiety and exclusion. Specifically, my mother recalls that the linguistic environment she encountered in Quebec quickly made her feel that “without French, I’m nothing here.” While such resources may be effective, some newcomers experience communication in the “target” language as a “form of discipline” (Breton-Carbonneau and Cleghorn 2010, 118). This is counterintuitive, as my mom developed a fear of the French language and a sense of discomfort in speaking it, ultimately leading her to be unable to integrate “properly,” face discrimination, and experience social exclusion.

Ultimately, immigrants are put in a situation where they must integrate as quickly and successfully as possible, despite the support or preparation they may or may not have. As stated by Li (2003, 8), “the underlying assumption is that the value of immigrants lies in their ability to enrich Canadians, and in order to do so, they have to at least perform as well as the native-born.” Since my mom was unable to meet these expectations, particularly due to the linguistic barriers she encountered in Quebec, she began to feel that her experience and abilities carried little value within the society she had once arrived in with hope.

Rethinking Integration

Immigrants are constantly interrogated at every moment of their integration, and these questions do not halt as the person continues their process of becoming Canadian. Often, immigrants do not get a real chance at integration as their host society turns “every border crossing into an attempt at settlement while continuing to label the children, and even grandchildren, of immigrants as *immigrants*” (Kortweg (2017, 429). These experiences also vary depending on whether an immigrant is racialized, whether they speak with an accent, and how visibly they are perceived as different within the host society. Whereas my mom once felt lucky to have had the chance to immigrate, her feelings of belonging ultimately faded as she was continuously faced with “the erasure of [her] belonging through integration discourse” (Korteweg 2017, 429). Even when she overcame many of the challenges of immigration, such as personal networks, housing, and employment, the process of constantly proving her belonging greatly complicated her feelings of acceptance within society. My mom’s experiences demonstrate how belonging can remain fragile and conditional, shaped by the expectations and perceptions of the host society.

Social networks and language skills ultimately overlap. In Toronto, integration was much easier for my mom as she was lucky enough to find a community that encouraged her efforts to continuously improve her English and supported her through arising barriers. The

second time around, in Montréal, she did not have the same luck: she was faced with individuals who socially excluded her, ruining her self-esteem and her confidence in learning the language.

The very idea of social inclusion was first developed by the French in the 1980s and 1990s to reintegrate "the large number of ex-industrial workers" (Omidvar and Richmond 2003, 7). It is, therefore, unreasonable to base society's processes of social inclusion on a system that was never built for immigrants. Research has shown that newcomers do not all feel socially included based on the same expected factors, such as housing, employment, and welfare, but can experience it through unconventional ideas such as "social participation, emotional wellbeing, acceptance, and feeling valued" (Kubota et al. 2022, 195).

Listening to my mother's story forced me to reconsider the meaning of integration itself. Her experiences demonstrate that integration is not simply the result of an immigrant's effort, determination, or willingness to adapt. It is shaped by the environments that newcomers encounter, the people they meet, and the expectations placed upon them. By examining her experience with social networks and language barriers, it becomes clear that the challenges immigrants face are not always the result of an individual's inability to integrate, but rather of the conditions under which integration is expected to occur. The same individual, in the same country, can be welcomed in one place and excluded in another. My mother's life in Toronto and Montréal illustrates that integration is not a linear path. Instead, it is unstable and deeply context-dependent, shaped by everyday interactions, institutional expectations, and the presence or absence of supportive communities. The categories of the "successful" and the "unsuccessful" immigrant thus reveal less about immigrants themselves than about the societies that judge them.

When I began this interview, I approached the concept of integration as something I could define and analyze. By the end of our conversation, I realized that her integration process was far more complicated than what I had expected, even as her daughter. For my mom, coming to Canada meant leaving her home in hopes of a better life. Yet, the challenges she faced once she arrived in Canada were blamed on her inability to integrate rather than on the society's inability to accept her timeline and support her. "Integration" was not a process that allowed her to thrive, but one that made her feel excluded, judged and rejected. Thus, her perception and expectation of "an immigrant-loving Canada" was simply a successful disguise.

For references, see page 83.

The Neoliberalization of Humanitarian Ideals: A Critical Examination of the Canadian Private Sponsorship of Refugees Program

Written by Laurence Breton, Anne-Marie Gendron, Sofia Gonzalez Escudero, and Momoka Takami

Edited by Michelle Wang

Abstract

This paper offers a critical analysis of Canada's Private Sponsorship of Refugees (PSR) program, showcasing the contradictions between its humanitarian mission and neoliberal underpinnings. We demonstrate that the PSR program, initially designed to facilitate private involvement in resettlement, has evolved into a core mechanism for neoliberalism to penetrate refugee protection practices in Canada. This has resulted in the state's withdrawal from refugee support and growing inequalities in resettlement and integration systems. To humanize refugee protection in Canadian society while maintaining citizens' engagement in resettlement, we urge the Canadian administration to financially support sponsors to fulfill their responsibilities towards refugees, that more and better training be given to sponsors, and that state-provided social services be accessible for both sponsors and sponsees.

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Introduction

In Canada, the Private Sponsorship of Refugees (PSR) program is one of three streams through which refugees can access resettlement, along with the Government-Assisted Refugees (GAR) and Blended Visa Office-Referred (BVOR) programs. Compared to the two other streams, the PSR program is unique as it allows Canadian citizens to select and sponsor individual refugees to resettle in Canada (Van Haren 2021). Canada's PSR program has attracted international praise for its successes in facilitating refugee integration and driving the involvement of civil society in refugee protection. To increase the participation of the Global North in refugee resettlement, Canada has supported community-based refugee protection initiatives in over 20 countries (Bond and Kwadrans 2019, 87). The United Kingdom and the United States, for instance, have drawn inspiration from these initiatives to lead their own programs (Bond and Kwadrans 2019, 87). However, while the private sponsorship program does provide new and safer environments to refugees, there are rising concerns that its neoliberal foundation undermines its potential for achieving its humanitarian goals.

Neoliberalism can be characterized as a withdrawal of the state from providing welfare to its citizens, where markets and civil society organizations ultimately must endorse responsibilities traditionally assumed by the state (Ferguson et al. 2018, 24-5). As a result, citizens face greater challenges in ensuring their livelihood through self-reliance (Ferguson et al. 2018, 24-5). Simultaneously, the state maintains an indirect involvement in this system as it imposes its norms and regulations on private welfare providers (Ferguson et al. 2018, 24-5). In withdrawing from providing public services, the state promotes increased engagement in market activities through employment, using the logic that stable income reduces citizens' needs for welfare (Ferguson et al. 2018, 26).

This essay will address the question of how neoliberal discourse has penetrated the way we conceptualize refugee protection and welfare provision in Canada, specifically in the context of the PSR. The first section examines how the expansion of the PSR program has led to a withdrawal of the state from refugee protection and integration efforts as it delegates its responsibilities to private actors. In the second section, we analyze how, by giving sponsors important decision-making freedom, the PSR program favors the selection of refugees who can contribute to the neoliberal ideals of the Canadian state at the expense of those in greater humanitarian need. Thirdly, we explore how the neoliberal structure of the program encourages sponsors to approach refugee sponsorship with a "one-size-fits-all" approach that dehumanizes and ultimately depoliticizes refugee protection.

As of November 29, 2024, Immigration, Refugees and Citizenship Canada (IRCC) stopped accepting applications from Community Sponsors and Groups of Five—which are two of the three private sponsorship avenues—until December 31, 2025, claiming that "applications from private sponsors continue to exceed the private sponsorship spaces available under the immigration levels plan" (Immigration, Refugees and Citizenship Canada, 2024b). In November 2025, IRCC announced that this pause would be extended by an additional year, until December 31, 2026

(Immigration, Refugees and Citizenship Canada, 2025). In this context, some might question the relevance of this paper as the very existence of the PSR program seems to be at stake. However, we believe that such a period of immigration slowdown makes it even more pertinent to scrutinize the gaps in our immigration system. We therefore must better understand its flaws to be better equipped to respond to a potential greater privatization of refugee protection under neoliberal ideals. Importantly, we want to emphasize that this paper does not aim to devalue the work of the Canadian population who pour their heart and souls into the PSR program to contribute to refugee protection. With some of us having been directly involved in these sponsorships, we deeply appreciate the work sponsors do through this program. Our goal with this paper is not to point out the mistakes of PSR sponsors, but rather to shine a light on the responsibilities of the federal government in the area of refugee resettlement in order to argue for more and better support for sponsors and sponsees.

Background & History

Neoliberalization of the Canadian Immigration System

This section will look into the emergence of neoliberalism in the Canadian context in order to situate our discussion of the PSR program. Like other liberal democracies, Canada gradually replaced its Keynesian economic policies, focused on class compromise and economic growth, with a market-driven approach prioritizing international investment competition in the post-World War II era. Since the 1980s, this change has given way to policies such as deregulation, privatization, tax reductions to higher-income households, cuts to social services, deficit reduction efforts, openness to foreign investment, and restrictions on trade unions, representing a major shift towards neoliberalism (William and Little 2001, 35). These policies, which were developed as strategies to gain a competitive edge in the global economy, gradually resulted in the infiltration of free-market ideologies into all aspects of social life, including immigration policies (Lehman et al 2016, 44).

The neoliberalization of immigration can be understood as the process through which economic criteria become the main determining factor in the selection of migrants, and local communities become the main bearers of the costs of receiving migration (Silvius 2016, 29). Moreover, neoliberalism entails the transformation of immigration into “a platform for national competitiveness struggling over resources defined as skills and talent” (Lehman et al. 2016, 46). Lehman et al. (2016) use the evolution of the Points-Based System (PBS), introduced through the Immigration Act of 1967, to show the shift from Keynesian to neoliberal principles in Canadian immigration policies. They explain that when it was first established during the Keynesian welfare state period, the PBS was based on the idea of "absorptive capacity” (Lehman et al. 2016). In other words, the PBS initially evaluated potential immigrants using the criteria of education, language, experience, age, employment, and adaptability, to ensure that chosen candidates could be integrated in the economy. Such evaluation criteria allowed the government to fulfill its Keynesian “moral responsibility" to protect the equilibrium of the labour market (Lehman et al. 2016).

In the late 1980s, during the emergence of neoliberalism in Canada, immigration policies began shifting away from this idea of "absorptive capacity," in favour of criteria that would attract migrants who "manifest values consistent with neoliberal citizenship" such as "competition, flexibility, transferability of skills and self-reliance" (Lehman et al. 2016, 62). Therefore, criteria such as motivation and knowledge of official languages were introduced, while points associated with specific occupations were dropped (Lehman et al. 2016, 62). Silvius (2016, 30) argues that another significant example of the neoliberalization of Canada's immigration policies is the commodification of foreign labour, which manifested itself into a growing reliance on temporary and seasonal migrant worker programs to perform jobs that are essential to the Canadian economy in exchange for low wages and precarious work conditions. In the case of policies around refugees and asylum seekers, whose displacement is caused by violence and persecution rather than personal choice, the effects of market ideologies are less blatant. Yet, as we will demonstrate through our analysis of the PSR program, Canada's efforts in refugee protection increasingly reproduce neoliberal processes that devalue and exclude individuals who possess less mobility and marketable competencies.

Introduction to Canada's Private Sponsorship of Refugees Program

The history of refugee resettlement programs in Canada dates back to the Immigration Act of 1976, which led to the creation of two main pathways to refugee resettlement in Canada: the GAR and PSR programs (Labman 2016, 68). In their initial forms, the GAR program made the Canadian government responsible for resettling refugees identified by partners such as the United Nations High Commissioner for Refugees (UNHCR) or foreign states, while the PSR program allowed Canadian citizens to become responsible for the sponsorship of refugees (Van Haren 2021, 2). Over the years, it became possible for private sponsors in the PSR program to select or "name" the individuals they wanted to sponsor (Van Haren 2021, 2). In 2013, the federal government created a third pathway to refugee resettlement in Canada by implementing the BVOR program. Intended to be a blend between the two other programs, the BVOR—like the PSR program—allows members of civil society to sponsor refugees, but sponsored refugees are selected—like the GAR program—based on the recommendations of organizations such as the UNHCR. Unlike the PSR, where the sponsoring group is solely responsible for financially supporting refugees for the first year upon arrival, the sponsoring group and the federal government share financial responsibilities in the BVOR program (Labman 2016, 72). The BVOR program is the last evolution of several pilot refugee resettlement projects involving blended responsibility between the federal government and civil society adopted since the 1990s (Labman 2016, 72).

There are three different pathways through which Canadians can sponsor refugees within the PSR program. Firstly, *Sponsorship Agreement Holders* (SAH) are organizations that have an agreement with the federal government, allowing them to submit a certain number of applications for individuals they want to sponsor without them needing to have refugee status already (Immigration, Refugees

and Citizenship Canada 2016). Most refugees sponsored with the PSR program are sponsored by SAHs, which amounted to 138 organizations as of January 2023 (Immigration, Refugees and Citizenship Canada 2023). Secondly, community organizations that do not have an agreement with the government can sponsor as *Community Sponsors*. Finally, private individuals can also sponsor under the *Group of Five* stream. As opposed to SAH, Community Sponsors and Group of Fives must demonstrate that they can financially support the people they are applying to sponsor, and they can only apply to sponsor individuals who have already been recognized as refugees by the UNHCR or a foreign state (Immigration, Refugees, and Citizenship Canada 2016). As mentioned earlier, the SAH pathway is currently the only private sponsorship option available, as the Community Sponsors and Group of Five streams were temporarily closed by the IRCC in 2024 (Immigration, Refugees and Citizenship Canada, 2024b; Immigration, Refugees and Citizenship Canada 2025).

Problematizing the Private Sponsorship of Refugees Program

1) Withdrawal of the State from Its Responsibilities to Protect Refugees

Canada and the UNHCR Refugee Convention

The UNHCR and the 1951 Refugee Convention are the cornerstones of the current global refugee protection regime. The Refugee Convention, a milestone in the evolution of human rights provision, defines who is a refugee. Importantly, it also establishes the principle of *non-refoulement*, whereby refugees should not be forced to go back to a country where they face a serious threat (United Nations High Commissioner for Refugees 2026). Yet, as Milner (2021) highlights, the global refugee system has an important flaw: it lacks a binding mechanism, resulting in states having no formal requirement to contribute to refugee protection, including the financial and logistical burdens of providing asylum. This lack of a binding mechanism results in an unequal distribution of responsibility for refugee protection: states that are geographically close to the countries of origin of those in need of protection bear a disproportionate burden; others have the liberty to choose the number of refugees they host as well as their origins, despite their commitment to cooperate in offering safe futures for refugees as members of the Convention. Hence, refugees remain mostly in the region surrounding their country of origin, leading ten states of the Global South to host 60 percent of all refugees globally (Milner 2021, 46). That said, based on the UNHCR's framework, resettlement to a third country is one of the three "durable solutions" for refugees, along with voluntary repatriation and local integration in the country of asylum (Core Group on Durable Solutions 2003). Therefore, resettlement is a way for Convention states, like Canada, to also contribute to sharing the responsibility for refugee protection, despite not being geographically close to the issue.

Since the inception of the global refugee regime, Canada has been actively involved in refugee assistance initiatives on the global scene, namely as one of the UNHCR's top ten donors and as the country resettling the most refugees worldwide (Milner 2021, 46-7). Over the years, through political discourse in support of refugees and deep involvement in refugee protection initiatives, Canada became

recognized as a global leader in refugee protection (Milner 2021, 43). While this reputation should corroborate with active government engagement in refugee resettlement, we argue that at a local level, the Canadian government has paradoxically withdrawn from its own refugee resettlement efforts.

Increasing reliance on the Private Sponsorship of Refugees over the Government-Assisted Refugees program

One of the ways Canada has withdrawn from its refugee protection efforts is through its increasing reliance on the PSR program rather than the GAR program. Labman (2019) shows that this shift was evident early on after the program's implementation in 1979, in the context of the resettlement of Southeast Asian refugees in 1979-1980. At first, Canada committed to sponsoring 5,000 and later 8,000 Southeast Asian refugees, but did not account for PSR in their planning, thinking the program would only attract about one hundred applications yearly (Labman 2019, 88). To their surprise, 2,000 refugees were sponsored through the PSR, leading the government to come to see the PSR as a promising avenue for refugee sponsorship. As a result, when the refugee crisis appeared more dire than initially anticipated, Canada announced it would increase the number of sponsorships to 50,000. This time, the government implemented a "matching" approach, under which they would "match" the number of PSRs with GARs. In the end, from 1979 to 1980, Canada resettled 60,000 Southeast Asian refugees, of which 57 percent were PSRs (Van Haren 2021, 2).

Starting in 2001, while the proportion of refugees sponsored through the GAR was still higher than that of the PSR program, there has been a general trend toward decreasing the proportion of GAR in favour of increasing the PSR. According to Labman (2016, 71), many sponsors perceived this to be the government's attempt to profit from the generosity of sponsors and "dump" its refugee sponsorship responsibilities onto them. Between 2016 and 2022, the shift away from the GAR program in favour of the PSR program was also obvious. Of the 207,060 refugees resettled during this period in Canada, 53 percent were PSRs, 43 percent were GARs, and 4 percent were BVORs (Immigration, Refugees and Citizenship Canada 2024a, 5).

As emphasized by Labman (2019, 92), certain sponsors expressed concerns about a potential overreliance on the PSR from the beginning, claiming that it could deviate from its original purpose of complementing—rather than substituting—the GAR program. The examples presented above suggest that the public-private partnership at the core of the PSR is, indeed, not inherently a cooperation. Such a shift in the state's approach towards refugee protection from the public to the private sphere corresponds with the introduction of neoliberal values into Canadian public policy. Thus, we argue that neoliberalism gave the Canadian government the political legitimacy to intensify the state's withdrawal and privatize refugee protection, pressuring citizens to respond to refugee influxes.

An overburdened civil society

Another example of the withdrawal of the state in refugee protection is its increased reliance on sponsors to finance refugee sponsorships. As Labman (2019) and Silvius (2021) highlight, sponsors are increasingly burdened with

providing financial support and assistance for refugees. Without adequate government involvement, this can lead to gaps in critical services such as healthcare, housing, and social support. For instance, in 2012, the Harper administration diminished the coverage of the Interim Federal Health Program (IFHP), which provides temporary health coverage for sponsored refugees and asylum seekers. While the IFHP's coverage was restored after Trudeau's election, this hiatus temporarily increased the responsibilities of sponsors to provide for sponsored refugees' medical needs (Chapman 2014, 6). More recently, in the context of the Carney administration's 2025 budget, IRCC announced that the IFHP would now require co-payments from beneficiaries. Starting May 2026, people covered by the IFHP will have to pay $4 for each prescription medication and cover 30 percent of supplemental health products and services, such as dental care, vision care, or counselling services, that used to be fully covered by the program (Immigration, Refugees and Citizenship Canada 2026). Many healthcare providers and refugee rights advocates have voiced their concern that this financial burden will have a severe impact on beneficiaries (e.g. Bettache et al. 2026; Migrant Rights Network 2026). We argue that this withdrawal of government support shows its 'deresponsibilization' in refugee protection, ultimately causing sponsored refugees to further rely on sponsors' limited financial capacities.

Importantly, Silvius (2016, 1) also criticizes how inequalities in sponsors' abilities to provide for refugees can lead to discrepancies in their access to housing, writing that "refugee well-being is more and more becoming a 'private' affair, predicated on market processes and voluntary contributions." Hence, the well-being of privately sponsored refugees depends to an important degree on the position of their sponsors—their size, their resources, their networks, and much more. This creates a fragmented system in which the state is less directly involved in ensuring that refugees receive consistent and adequate support, contradicting the principles of universal protection and integration enshrined in Canadian law (Silvius 2016). The state's withdrawal from refugee care, combined with an increasing reliance on community-based sponsorship, risks creating a system where refugees' rights and services depend on the resources and goodwill of private actors rather than the guaranteed support of the state.

Silvius (2016) notes that the decentralization of settlement services in Canada, a key feature of the PSR program, has led to the active engagement of advocacy groups and immigrant communities in the resettlement process. The fact that these community-based organizations became influential voices in advocating for refugee rights could be seen as a positive outcome of the privatization of refugee welfare, as grassroots civil society groups are particularly well-situated to understand the needs of refugees due to their location within these communities. However, when the empowerment of local actors is accompanied by severe cuts in funding, such as the cuts in the IFHP mentioned above, their ability to both provide comprehensive services and conduct advocacy activities are undermined (Silvius 2016). Inasmuch as private sponsors are facing increasing pressure, Canada depends on them to guarantee refugee resettlement. Labman (2016) argues that the resettlement of Syrian

refugees exemplifies this tension between the Canadian government, which sets resettlement targets and the proportion taken by each resettlement program, and private sponsors, on which this burden falls. In July 2013, Canada announced that it would sponsor 1,300 Syrian refugees before the end of 2014, 1,100 of which would be sponsored through the PSR. In response, the Canadian Council for Refugees expressed surprise, as the expected cost to undertake this number of sponsorships was projected to be between $8 and $12 million—namely because of the added costs from the reduction in IFHP coverage (Labman 2016, 73). Still, this problem materialized once again in 2015, when there was an announcement for the resettlement of 10,000 Syrians—60 percent of which would be PSRs, without any prior consultation with sponsors (Labman 2016, 74). This conflict shows the contradictions in the relationship between sponsors and the state, as they are mutually dependent and must pressure the other party to reach their objectives (Labman 2016).

2) Civil Society's Decision-Making Power Serving the Neoliberal State Rather than Humanitarian Needs

Continuing on our demonstration of the neoliberal underpinnings of the PSR program, we argue that the decision-making power granted to sponsors in the PSR program, such as the freedom to choose whom to sponsor, primarily serves neoliberal imperatives and undermines the program's humanitarian goals. The impacts of the "freedom" component of the program are located at two levels: it prompts sponsors to choose who to sponsor based on a simple financial calculation, and transforms the program into a tool for family reunification.

Sponsorship as a financial decision

It is useful to start by reframing sponsors' "freedom" not as a simple privilege afforded to sponsor groups participating in the PSR program, but rather as a strategic technique for the neoliberal state to extend market principles into the domain of refugee resettlement. Indeed, as explained by Lehman et al. (2016), neoliberalism can be extended to social policies like immigration through techniques that allow market logic to commodify refugees, such as sponsors adopting a business-like approach to selecting and supporting them. We argue that sponsors' responsibility to support refugees financially for a year creates an incentive for sponsors to choose who they sponsor based on their employment potential. According to Kaida et al. (2020, 1696), in the first year after their arrival, PSRs have a higher employment rate than GARs, with 89 percent of men and 69 percent of women being employed in the PSR program versus 70 percent of men and 44 percent of women in the GAR program. Following this, the employment rate of PSRs significantly drops for two years, to then generally rise over time, while the rate for GARs continues to rise (Kaida et al. 2020, 1696). Kaida et al. (2020, 1696) suggest that this drop in PSRs employment rates "may reflect private sponsors' high expectations of economic independence before the agreement ends." Considering this, it seems that making sponsors entirely responsible financially for PSR incentivizes them to encourage sponsored individuals to find employment early on, and potentially before they are ready—hence why the employment rate drops after the sponsorship year.

This pressure to find employment manifests itself in personal relationships between sponsors and refugees. Interviews conducted in a study of private sponsors in Ottawa by Haugen et al. (2020, 566) suggest that some sponsors adopt what they call a paternalistic approach, where sponsors "assume that refugees must be taught the 'way we do things around here' as a condition of their integration into Canadian society." This leads them to press refugees to find employment to sustain themselves early on to avoid overreliance on the sponsors and welfare provisions in the long run (Haugen et al. 2020, 567). If sponsored individuals can fulfill some of their financial needs by working early, this makes their sponsorship cheaper for sponsors. Some might argue that this optimization of sponsorship through facilitating refugees' financial independence might serve refugee protection, as it frees up funds to sponsor more individuals. However, it has the potential to do more harm than good by creating an incentive for sponsors to choose which refugees they will sponsor based on their employability rather than their humanitarian needs, deviating from the principle of refugee protection. Therefore, market-like conditions and freedom of selection could lead to the discrimination of refugees perceived as having less employment potential, such as older adults and sick or disabled individuals.

Additionally, we believe that allowing sponsors to make decisions based on financial calculations contributes to shaping sponsored refugees into "good" neoliberal subjects. Indeed, promoting the early employment of sponsored individuals might create pressure, which the sponsored individual can experience as a "debt" they owe their sponsorship group (Haugen et al., 2020). In past research, some sponsors revealed they deterred refugees from making unproductive choices by warning that sponsees could risk losing assistance from them (Haugen et al. 2020, 568). This sense of obligation might compel refugees to prioritize economic productivity and rapid integration into the labour market, a process known as "responsibilization," which serves the neoliberal state's objectives of creating self-reliant, "responsible" subjects (Gilbert 2021, 3). On their part, Korteweg et al. (2023, 3966) show that sponsors are satisfied when involved in resettling refugees who are "resilient," "adaptable," and "resourceful," while considering refugees to be less deserving of their assistance when they relied on social services or were reluctant to find paid jobs. These attitudes towards sponsored refugees reveal two neoliberal discourses that drive PSR: the measurement of refugee integrations' success based on their contribution to Canadian society, and sponsors' individual fulfillment for their ethical actions to integrate such "productive" refugee cohorts (Korteweg et al. 2023, 3965). In other words, such attitudes contribute to the neoliberal discourse that while Canada welcomes refugees, they must be productive individuals who contribute to the Canadian economy. Thus, the PSR program not only commodifies refugees but also uses sponsorship dynamics to reinforce "good" neoliberal behaviors among resettled individuals.

Sponsorship as family reunification

By providing important decision-making power to sponsors, we argue that the PSR also transforms refugee resettlement into a competitive process driven by ties to Canada rather than based on humanitarian principles.

Chapman (2014, 9) explains that within the PSR program, sponsored people are often identified through personal relationships, which has led to "increases in private sponsorships in regions previously prioritized for government-assisted resettlement." Macklin et al. (2018) also found that, with a survey of 530 sponsors of Syrian refugees, more than half had been solicited by those they sponsored to help with family reunification. This process, known as "the echo effect" (Chapman 2014, 9), is, in fact, one of the reasons why the BVOR program did not get the same widespread success in attracting sponsors as the PSR. The BVOR was initially intended to encourage the sponsorship of government-selected refugees to reduce the overreliance on the PSR program as a family reunification tool. However, in its effort to counter the family reunification tendencies of the PSR, the BVOR brought to Canada more people who also wanted to sponsor family members through the PSR program (Labman and Pearlman 2018, 446).

Importantly, the "echo effect" shows that there is unequal competition among refugees worldwide for resettlement, based on their social networks. Thus, the neoliberal privatization of refugee resettlement in Canada reinforces inequalities between refugees seeking resettlement by making refugee protection contingent upon social resources. By allowing sponsors to act based on individual interests, refugees with stronger relational links to potential sponsors in Canada have an advantage over those without such ties, regardless of their vulnerability or need for protection. Obviously, we do not deny the importance of family reunification for the well-being and integration of resettled refugees. Still, it is not the primary goal of the PSR program and diverts the focus from the program's humanitarian principles.

3) Disregarding Refugees and their Experiences in Privatized Refugee Protection

In the two previous sections, we argue that 1) the PSR, as a neoliberal refugee protection model, allows the Canadian government to withdraw from refugee protection, abandoning their humanitarian responsibility, and that 2) the PSR functions through neoliberal ideologies, where sponsors select which refugees to resettle primarily according to cost-calculation and individual interests. In this section, we argue that the PSR can create a dehumanizing and depoliticizing approach to refugee sponsorships that is rooted in, and contributes to, neoliberal ideals.

A "one size fits all" approach to sponsorship

One way the PSR allows sponsors to ignore the human and political aspects of sponsorships is the lack of information sponsors receive about the sponsored refugee before their arrival. For example, in a study based on interviews with PSR and BVOR sponsors, Elcioglu (2021, 103) found that many sponsors believed that important information about the sponsored person was kept from them, such as the state of a pregnancy or the level of mental distress of sponsored individuals. With little information at hand, sponsors are left to prepare for sponsorships without any sense of who they are going to sponsor, leading them to prepare using a "one-size-fits-all" approach. From a neoliberal perspective, this depersonalized approach might appear to be more "efficient" as it creates a sponsorship "model" that can be replicated. Yet, doing so may result in not addressing the personal needs of the humans

that sponsors the welcome.

The dehumanization of sponsored refugees is also apparent when sponsors do not consider learning about the refugees' cultural identity to be a necessary part of sponsorship preparation. For example, Elcioglu (2021, 103) highlights that some of the sponsors she interviewed claimed they had overestimated refugees' knowledge of English, while none of the interviewees mentioned having learned any sentences in the language of the people they sponsored. Yet, sponsors familiarizing themselves with refugees' languages would signify an effort to personalize refugees' integration and provide comfort to the newly arrived. This implies again that the structure of the PSR—which provides limited resources to help sponsors prepare—encourages them to favour a "one-size-fits-all" approach that does not center the refugees' identities.

Privatized sponsorship as decontextualized and depoliticized

To a certain extent, we also contend that our second argument on how the PSR creates an incentive for sponsors to regard their sponsorship through a financial lens also contributes to the dehumanization we are condemning in this section. Indeed, if sponsors such as those interviewed by Korteweg et al. (2023) and Haugen et al. (2020) measure sponsorship success through refugees' ability to be employed or financially self-reliant, this may signify sponsors' low level of understanding of the struggles and desires that impact refugees' ability for financial autonomy. For example, common challenges among refugees include mental or physical health issues due to pre-migration traumatic experiences or pauses in their education or employment (e.g. Krahn et al 2000; Senthanar et al. 2023). Such challenges might impact their capacity or desire for finding employment early on, which sponsors might not take into account. Such an attitude effectively invalidates the choices, needs and desires of refugees (Korteweg et al., 2023).

The dehumanization that can result from the PSR program can also be seen in how certain sponsors appear to lack an understanding of who refugees are, and what contexts lead them to be forcibly displaced. For example, Korteweg et al. (2023, 3966) found that some sponsors doubted the deservingness of sponsored refugees, claiming that they did not seem to "really need [their] help" as they did not appear "needy" and did not reside in a refugee camp. This shows that despite committing to sponsoring refugees, some sponsors do not have a comprehensive understanding of who is considered a refugee, nor the pre-arrival contexts of the sponsees. In a similar manner, Kyriakides et al. (2018, 60) mobilize Edward Said's framework of orientalism to show how some sponsors construct the "Syrian refugees crisis" through a cultural script in which "refugees are victims who 'deserve' rescue" and "receiving societies are saviors who provide it." This can lead to a misalignment between sponsor and sponsee when the lived experience of sponsored refugees does not match sponsors' erroneous expectations of who is considered a "deserving" refugee. This contradictory, imagined "ideal refugeehood" reflects how, for some sponsors, the driver of their involvement in refugee protection is not to learn from refugees' lived experience and support the cause of refugee resettlement, but to produce productive neoliberal Canadian citizens who overcame vulnerability thanks to their generous

help. Consequently, private refugee sponsorship can not only dehumanize, but also depoliticize refugeehood.

Finally, and perhaps, most importantly, the fact that the interactions of sponsors with refugee issues are localized at the individual and community level allows sponsors to perceive their work as apolitical and detached from the political global dynamics that produce forced displacement. Ritchie (2018, 670) argues that neoliberalism favours social engagement localized at the community level, leading to "the immediately available local terrain of civic engagement [to come] apart from and appea[r] in opposition to crises of a global scale, rendering the former inescapable and the latter inaccessible." Although the PSR aims to encourage civil society's participation in humanitarian issues, sponsors' focus on integrating refugees at the local level obscures the political global context at play (Ritchie 2018, 672). Elcioglu (2023, 98) coined the term "neoliberal fatigue" to refer to how the "labor-intensive and draining nature" of involvement in the PSR leaves sponsors with little capacity to reflect and act on structural and global issues. Importantly, this dynamic is not the fault of individual sponsors, but rather a built-in feature of the PSR program. Overall, as Elcioglu (2023, 100) perfectly summarizes: "private sponsorship deters rather than spurs sponsors' political transformation."

Conclusion and Recommendations: The Future of Privatized Sponsorship

Overall, this essay has addressed how neoliberalism has infiltrated the Canadian PSR program in a way that leads the program to move away from its original humanitarian goals. Firstly, we demonstrated that the Canadian government is delegating its responsibilities regarding refugee protection to civil society. Secondly, we highlighted that the decision-making freedom given to sponsors in the PSR program leads to a neoliberal-influenced selection of refugees. Finally, we showed that neoliberalism makes sponsors unaware of broader pre-arrival refugee issues, which contributes to dehumanizing and depoliticizing the program.

Despite its neoliberal approach that compromises the state's humanitarian responsibility to provide protection to refugees, the PSR program has attracted global interest. The transnational interest in the success of PSR is evident in the commitments of the European Union and the Global Compact on Refugees (GCR), where states gathered to discuss balancing the burden of refugee protection to recognize it as a global responsibility (Bond and Kwadrans 2019, 87). International organizations, including the UNHCR, have increasingly recognized Canada's initiative in refugee resettlement under the Trudeau government since 2015 (Labman 2019, 115). They applauded Canada as a leading country in refugee protection and highlighted the necessity for PSR in Europe to cope with the refugee influx (Labman 2019, 115). To achieve this, Canada and the UNHCR collaborated in 2016 through the Global Refugee Sponsorship Initiative (GRSI) to propagate the positive benefits of private sponsorship (Labman 2019, 115). More than 20 states participated in GRSI to benefit from Canada's success in community-led refugee protection (Bond and Kwadrans 2019, 87).

This suggests that the UNHCR, the most

influential international organization that dictates the discourse of refugee protection, embraces its privatization, which gives states a framework to withdraw from their responsibility for refugee protection. As argued in this paper, this expansion of private sponsorship risks eroding humanitarian norms in the international refugee regime, negatively impacting refugees' well-being. The diffusion of privatized refugee protection, indirectly regulated by the neoliberal state, suggests the need to implement new strategies to ensure sponsors in private sponsorship are well supported by the government. Sponsoring groups should feel less pressured to instill productive citizenhood in newly arrived refugees and more inclined towards trauma-informed, cultural sensitivity and anti-oppressive practices.

As a response to the Canadian government's approach to refugee protection, where economic integration trumps the humanitarian-based protection of refugees, we support that steps must be taken by the federal government to improve the PSR. Namely, we recommend increased government financial responsibility in sustaining the program, improved training for sponsors, and state-provided support from social services to sponsors and sponsees. Overall, we urge the state to reduce the influence of the current neoliberal economic-centred processes surrounding the integration of refugees into society, demanding that it fulfills its political responsibility to provide protection to refugees. For the PSR to be an appropriate program to mitigate the global refugee crisis, it must urgently facilitate refugee-centered sponsorships while maintaining Canada's high refugee acceptance and civil society's active involvement in refugee protection.

For references, see pages 83-85.

Federalism and Immigration in Canada: Resource Management, Burden Sharing, and Institutionalist Bias?

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Edited by Michelle Wang

Abstract:

The subfield in federalist studies known as immigration federalism is well established in Canada. Nonetheless, little is known about its scope, limits, and blind spots from a comprehensive perspective. This paper asks two questions: Where does the literature on federalism and immigration in Canada stand? And how are immigrants perceived within that literature? I argue that this subfield is characterized by what I call an "institutionalist bias," which focuses on institutions, norms, and rules—intergovernmental cooperation, fiscal federalism, policy learning, and efficiency—while overlooking immigrants themselves. First, the literature overwhelmingly analyzes "economic" immigrants, to the detriment of other categories of newcomers. In the few studies that address asylum seekers, they are treated in isolation or in silos, without reference to "economic" immigrants. Second, the literature presents immigrants in two instrumental ways: "economic" workers are framed as "resources" for the Canadian economy, whereas asylum seekers are portrayed as a "burden" on the welfare state. Third, this institutionalist bias may be explained by the near-total absence of critical theories in the literature; and by the particular status of immigrants in a federation—who, despite their demographic importance, are neither citizens nor nations nor ethnocultural units with constitutional standing. Finally, I conclude with brief remarks on the potential of immigration federalism as a subfield that incorporates critical perspectives—such as feminist, decolonial, postcolonial, and critical race theories—to better understand the complexities of the evolving relationship between immigration and federalism in Canada.

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Introduction

According to the British North America Act, 1867 (now the Constitution Act, 1867), section 95, immigration is—alongside agriculture and old-age pensions—one of only three areas with formally shared jurisdiction between the federal and provincial levels in Canada (Legislative Services Branch 2024; Paquet 2020, 337; Paquet 2019, 6). However, throughout Canadian history—and especially after the Second World War—immigration has been almost exclusively under the purview of the central government (Paquet 2019, 6). It is only since the 1990s that a process of "federalization" has taken place in this area, with provinces playing an increasingly active role in immigration (Paquet 2019, 9).

This "federalization"—defined as the emergence or transformation of institutional actors inside a federal regime (Paquet 2020, 346)—has since then been the object of analysis by scholars in Canada. Indeed, it has given birth to "immigration federalism"—a term coined by Hiroshi Motomura in 1999 (Stein and Henaway 2025, 3)—which evaluates "the sharing of prerogatives over immigration regulation and policymaking at different levels of government, as well as those levels of governments' modes of interaction" (Coustere et al. 2025, 172; Xhardez 2020, 210). More specifically, in the Canadian context, the process of federalization of immigration could be described as "province-building", defined as "the development dynamics of the provinces... despite the modernization of the Canadian state, which was supposed to foster unification and centralization" (Paquet 2019, 24).

Immigrants occupy a particular position in federalism research, as they are not part of the two main political subjects of a federation. Indeed, they are neither citizens nor a nation or ethnocultural group with constitutional power (Tierney 2022). This particularity makes their role in the federation puzzling, since they are objects—and not officially subjects—of policies that emerge from the tensions between the federal government and the provinces.

Thus, this paper identifies and analyzes the main tensions, concepts, methodologies, and theoretical approaches in the field of immigration federalism in Canada. Two research questions guide this paper: Where does the literature on federalism and immigration in Canada stand? And, how are immigrants perceived within this literature? First, I offer a historical context regarding the evolution of the federalization of immigration in Canada. Second, I present the main concepts, phenomena, and theoretical and methodological approaches at play in the literature. Third, I explore the silos in which scholars study two categories of immigrants separately: economic immigrants and asylum seekers. Fourth, I argue that the emphasis on institutional approaches in existing literature, as well as the underemphasis of the role of non-citizens**2** in the federation, could explain the exclusion of the main actors affected by immigration policies: immigrants who wish to settle in Canada. In other words, I state that the literature on immigration federalism carries an "institutionalist bias." By this term, I understand an approach that pays exclusive attention to institutions, rules, and norms, to the detriment—and overlooking—of the main actors concerned by immigration federalism: immigrants (Malloy 2025). Finally, I present some paths for future research.

Context

The conventional view on immigration affirms that a sovereign state has discretionary power to decide who enters the political community or which foreigners are included or excluded from it (Walzer 1983, 39, 62; Carens 2013, 10). In a federation like Canada, this is complicated for two reasons. First, sovereignty is divided between the federal center and the provinces (Stein and Henaway 2025, 4, 12; Levy 2007; Vineberg 2014, 18–20). Both the federal government and the provinces have jurisdiction over immigration, while the Legislative Authority of the Parliament of Canada has power over "naturalization and aliens" (Legislative Services Branch 2024). Second, for an ethnocultural minority, immigration could represent both a threat and an opportunity (Xhardez 2020, 210). In federations where subnational units, such as provinces, exercise nationalist mobilization, immigration represents a "dilemma," as newcomers could change the demographic composition of majority and minority communities (Xhardez 2020, 210). For instance, Quebec might fear that newcomers join the culturally dominant Anglophones in North America, or it might try to benefit from newcomers to increase its demographic power in the federation (Xhardez 2020, 210). These federal complexities are reflected in Canada through agreements and tensions between the federal government and the provinces, mainly since the 1990s, when provinces started to demand more decision-making power in this field (Xhardez 2020, 217).**3**

The harmonic or conflictual relationship between the federal government and the provinces over immigration depends on the category of immigrants. Even though the immigration system in Canada is complex and dynamic, for the purpose of this paper, I distinguish between *economic immigrants*—both temporary workers and permanent residents or their families**4**—and *asylum seekers*, who seek refuge in Canada.

When it is a question of economic immigrants, agreements and harmonious relationships between the federal government and the provinces are present and institutionalized (Paquet 2019). Meanwhile, asylum seekers, refugees, and immigrants for humanitarian reasons represent a "complex intergovernmental problem"; thus, the relationships between the two levels of government in this field are conflictual or non-existent (Paquet and Schertzer 2025).

Permanent Residents Admitted in 2024 by Immigration Category in Canada

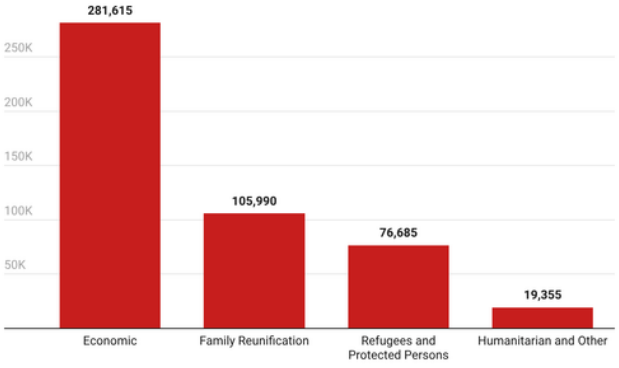

Chart: Luis Pineda • Source: IRCC, RDB, Permanent Residents, March 31, 2025, Data • Created with Datawrapper

Temporary Residents Admitted in 2024 by Immigration Category in Canada

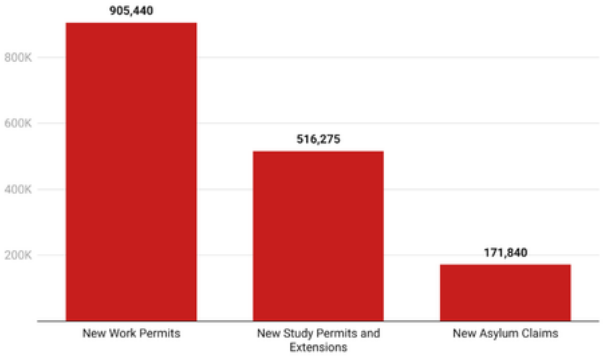

Chart: Luis Pineda • Source: Immigration, Refugees and Citizenship Canada (IRCC), 2025 Annual Report to Parliament on Immigration • Created with Datawrapper

The official agreements between the federal government and the provinces concern mainly economic immigrants (Baglay and Nakache 2013; Paquet 2019). In the case of asylum seekers, it falls mainly within the purview of the federal government (Stein and Henaway 2025, 13; Xhardez 2020, 217). While economic immigrants are selected "on the basis of their skills, education, credentials, and work experience and in relation to the demands of the Canadian labour market," refugees are selected for humanitarian reasons (Paquet 2020, 339–40). To sum up, the two categories of immigrants link both levels of government either through institutionalized intergovernmental relations or through informal public confrontations (Paquet and Schertzer 2025, 2).

To illustrate, in 2024, the Premier of Quebec asked the federal government for "$1 billion to cover costs associated with supporting asylum seekers" (Paquet and Schertzer 2025, 2). This claim was made in the context of Quebec's case before the Supreme Court of Canada, in which the province sought to defend its position on "denying asylum seekers access to subsidized daycare" and proposed holding a referendum to transfer all powers over immigration to the province (Paquet and Schertzer 2025, 1–2; Stein and Henaway 2025, 13). Meanwhile, the federal government strongly opposed these claims, scolding Quebec "for not wanting to do its fair share to welcome asylum seekers" (Paquet and Schertzer 2025, 22). All this happened in the context of a peak in asylum claims since 2017, through irregular crossings mainly to Quebec (Paquet and Schertzer 2025, 12), but also Ontario, and, to a lesser extent, Manitoba (Paquet 2020, 351).

These tensions around asylum seekers contrast with the well-institutionalized cooperation between Quebec and the federal government on immigration since the 1991 Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens, which granted the province considerable powers over immigration, mostly the selection of immigrant workers (Couture Gagnon 2020, 248). Indeed, since the 1990s, not only Quebec but all provinces have developed accords with the federal government, whereby each subnational unit selects most of its permanent economic immigrants, while the federal government is in charge of their admission (Coustere et al. 2025, 176). This system has been crystallized in the Provincial Nominee Program (PNP). For instance, of the 281,615 total economic permanent residents admitted to Canada in 2024, 114,905 were selected through the Provincial Nominee Program, and 41,195 were selected through the Quebec Skilled Workers, Business Immigrants, and Other Economic Categories (IRCC 2025).

Thus, despite efforts by the federal government to unilaterally resume control over some policies—such as settlement management in British Columbia and Manitoba under the Harper government (Paquet 2020, 349; Baglay and Nakache 2014, 96; Paquet 2019, 177–78)—or the tensions over asylum seekers, it is a reality that immigration is part of intergovernmental dialogue, cooperation, negotiation, and confrontation.

If this phenomenon is a clear reality, where does the literature on federalism and immigration in Canada stand?

Literature Review

Although this literature review is not exhaustive, it covers a significant portion of the articles and book chapters related to the topic of immigration and federalism in Canada over the last fifteen years. I analyzed approximately fifteen papers and chapters, most published between 2010 and 2025, identified either through Google Scholar or via references in other articles and chapters. The keywords used were: "immigration federalism," "federalization of immigration," "Canada," "province-building," "intergovernmental relations," "refugees," "asylum seekers," and related terms.

This exercise allowed me to examine the main trends in the literature and evaluate its scope, limits, and blind spots. Below, I present four key findings. First, well-anchored in federalism theories, the four main topics at play are intergovernmental relations, fiscal federalism, policy learning, and efficiency. Second, most—if not all—authors place institutionalist perspectives at the center—the host state, the central government, or the provinces (Paquet 2019, 6–35)—which overlook the human beings at the core of immigrant federalism: immigrants themselves. Third, most analyses are conducted in silos. "Immigration federalism" concentrates almost exclusively on "economic" immigrants, dismissing other categories of immigrants, such as international students, asylum claimants, and refugees. The few cases that pay attention to non-economic immigrants focus on asylum seekers or refugees but do not consider them in relation to "economic" immigrants. Finally, there is a lack of critical theories—such as feminism, postcolonial and decolonial approaches, and critical race theory—in the literature on immigration federalism. This contrasts with the significant presence of these theories in studies on immigration taken alone.

A Subfield Well-Anchored in Federalist Theories

First, since the devolution of powers over immigration in the 1990s, one concept that emerges often in the literature is *intergovernmental cooperation.* This concept refers to the necessary cooperation between different levels of government on aspects of shared jurisdiction (Kropp and Behnke 2018, 168–73; Arnold 2015, 245; Gaudreault-DesBiens 2017, 392; Scholtz and Munteanu 2023), unlike some other domains where responsibilities are well differentiated. In such cases, the situation reflects *dual federalism*, because cooperation is, in theory, less necessary. Therefore, an important part of the literature on immigration and federalism tries to analyze how cooperation—and the less formal *intergovernmental relations*—actually works, or is nonexistent, between the federal government and the provinces on aspects such as the selection, admission, settlement, and integration of newcomers (Coustere et al. 2025, 176; Paquet 2019, 10; Couture Gagnon 2020, 264; Paquet and Schertzer 2025, 6; Spiro 2001).

Second, the devolution of responsibilities over immigration implies the redistribution of resources, grants, and funding necessary to provide services. This is known as "fiscal federalism," defined as "institutions decentralizing considerable policy and fiscal powers to subcentral governments" (Sorens 2016, 28). One hypothesis regarding the devolution of power in immigration is related to the neoliberal turn, fiscal austerity, and

changes in fiscal governance in the 1990s, which led to spending cuts at the federal level (Paquet 2019, 22, 33). Regarding transfers, fiscal federalism is at the center of recent tensions between Quebec and Ottawa concerning the costs of services for asylum seekers, where the federal government systematically rejects claims for additional funding (Paquet and Schertzer 2025, 22). In the case of Quebec, this contrasts with harmonious agreements over the "generous" total amount of transfers by the federal government to the province in terms of immigration and integration of economic newcomers (Xhardez 2020, 218; Paquet 2020, 343).

Third, the notion of policy learning (Brie et al. 2024; Mallinson and Hannah 2020; Shipan and Volden 2008) has been useful in the literature to understand the process through which different provinces have emulated each other's policies to implement immigration measures (Boushey and Luedtke 2020, 211), and, interestingly, how the federal government has emulated provincial measures as well (Paquet 2019, 173). For instance, after the Accord between Quebec and Ottawa in 1991, the other provinces negotiated with the federal government the Provincial Nominee Program (PNP), which allowed them to select economic immigrants as well (Paquet 2019, 22). Another example is the emulation by British Columbia of Alberta's "bridging model" of immigration, which emphasizes matching immigrants with the labour market (Paquet 2019, 18, 173). Finally, the literature also points out the consequences of the lack of policy learning in the face of complex phenomena, such as irregular crossings into Canada and the management of asylum seekers (Paquet and Schertzer 2025, 6). This problem occurs when there are no channels "to facilitate shared learning, negotiate decisions, and coordinate responses" (Paquet and Schertzer 2025, 6).

Fourth, a persistent question in the literature relates to efficiency. More specifically, the authors examine whether a centralized or decentralized model of immigration is more or less efficient, and for which goals (Coustere et al. 2025, 176–77; Baglay and Nakache 2014, 96; Boushey and Luedtke 2020, 208; Spiro 2001; Leo and August 2009, 492; Paquet 2020, 352–58; Vineberg 2014, 34). These goals are as diverse as the economic development of Canada or the provinces (Paquet 2019, 6–35), immigration management (Boushey and Luedtke 2020, 211), "legitimacy" and performativity of the immigration system (Paquet 2020, 352–58), "competitiveness in the international 'race for talent'" (Baglay and Nakache 2014, 96, 100), "accommodating the policy preferences of the various communities in a given federation" (Beauregard et al. 2021, 243–44), and the integration and human rights of immigrants (Coustere et al. 2025; Baglay and Nakache 2013, 335).

The concepts at play here—intergovernmental relations and cooperative federalism, fiscal federalism, policy learning, and efficiency—show that studies are well-anchored in theories of federalism (Fenna and Schnabel 2024; Hueglin and Mueller 2025; Fenna and Schnabel 2025; Tierney 2022). Methodologically, most authors base their studies, all of them qualitative, on literature reviews, analyses of the specific agreements between the federal government and the provinces, debates in parliament (Xhardez 2020), and sometimes interviews with bureaucrats (Paquet and Schertzer 2025). The emphasis is placed, with only one exception (Coustere et al. 2025),

on institutions and norms (Paquet 2019; Coustere et al. 2025, 173; Couture Gagnon 2020). This "institutionalist bias" highlights important aspects of immigration federalism in Canada but limits its scope.

Two Separate Topics: Either "Economic" Immigrants or Asylum Seekers

What is called "immigration federalism" in Canada is, in reality, two different clusters of studies that analyze partial categories of immigration in relation to federalism.**5** The overwhelming category of immigrants analyzed is "economic" workers (Paquet 2019, 2020; Coustere et al. 2025; Baglay and Nakache 2013). This is probably because, from the institutional perspectives at play, formal intergovernmental agreements concern mainly economic immigrants. Only a few articles analyze other categories, such as asylum seekers (Paquet and Schertzer 2025; Stein and Henaway 2025). In any case, the articles that refer to economic immigrants do not make reference to asylum seekers, and vice versa. Thus, immigration federalism literature acts in silos and lacks a comprehensive approach.

This is problematic for two reasons. On the one hand, the idea that only "economic" immigrants are concerned with federalism manifests an institutionalist bias. For instance, beyond intergovernmental agreements, conflicts between Quebec and Ottawa over asylum seekers are a reality, and even refugees accepted by the federal government still need to process their permanent residency applications through Quebec (Gouvernement du Québec 2025). In specific circumstances, provinces such as Quebec can use their political leverage to shape federal policies beyond their jurisdiction—for example, through the Guardian Angels Program of regularization for asylum seekers during the Covid-19 pandemic (Stein and Henaway 2025, 12–13). On the other hand, "it is misleading to conclude that only immigrants selected through the economic category contribute to Canada's labour market" (Paquet 2020, 340). Asylum seekers, refugees, and international students participate in Canada's economy as much as "economic" immigrants (Wong and Sohi 2025; Stein and Henaway 2025). Formal institutional distinctions—such as "immigrant workers" or "refugees"—should not mislead scholars when analyzing the complex realities of immigration federalism.

Consider an example of how the analysis in silos can lead to completely different conclusions. The studies by Baglay and Nakache (2013, 343; 2014, 106) on "economic" immigrants conclude that the "federalized" two-step process (provincial then federal) to reach permanent residency could—under some circumstances—be positive for low-skilled workers, who find through the province a path to establish themselves in the country. In contrast, Stein and Henaway (2025, 11), in their study on asylum seekers, explain how that same "federalization" significantly reduced access to a permanent residency path for many low-skilled essential workers during the Covid-19 pandemic because Quebec used its leverage to limit the scope of the regularization program. As we can see, one must study both categories in parallel rather than in isolation to generate more nuanced conclusions about the complex realities of immigration federalism in Canada.

Institutionalist Bias and Blind Spots

Finally, from this literature review, we can conclude that little attention is paid to the perspectives and experiences of immigrants themselves (Coustere et al. 2025; Baglay and Nakache 2014, 2013). The perspectives adopted in immigration and federalism are mainly institutionalist, from the standpoint of the host state, the central government, or the provinces (Paquet 2019, 6–35). Among the articles reviewed, only one (Coustere et al. 2025)—which will be analyzed in more detail in the next section—includes interviews with immigrants in its methodology.

This could be explained both by the institutionalist bias mentioned above and by the absence of critical theories in the subfield of immigration federalism—such as feminism (Nath et al. 2018), postcolonial and decolonial perspectives (Ladner 2017; Merino 2023), and critical race theories (Thompson 2008).**6** Only one article addresses these issues (Stein and Henaway 2025, 4), and two others briefly mention racial, gendered, and class dynamics related to the immigrant system in Canada (Paquet 2020, 356; Baglay and Nakache 2013, 337–38, 348–49). This absence is surprising because critical theories have been prominent for many years in immigration studies (Ajadi et al. 2025; Gabriel 2025; Thompson 2008; Cedillo et al. 2019; Mooten 2021; Ng et al. 2024; Wong and Sohi 2025) and Canadian politics (Vipond 2008; Rocher 2019; Ladner 2017; Nath et al. 2018; Malloy 2025). Furthermore, racialized dynamics of exclusion have attracted significant attention and critique in relation to the immigration system in Canada—for instance, the Chinese Head Tax from 1885 to 1923 (Wong and Sohi 2025, 16) or the current exploitation of temporary foreign agricultural workers from the Global South (Mooten 2021).

Between Resource Management and Burden Sharing: Neither Citizen nor Nation in the Federation

Although immigrants' voices are largely absent from the literature on immigration federalism, this review helps identify how immigrants are explicitly or implicitly perceived in that literature by both the federal and provincial governments, as well as by scholars. Thus, in this final section, I address the question: How are immigrants perceived within the immigration federalism literature?

As I have previously shown, the immigration federalism literature in Canada works in silos. Within these silos, there are clear patterns regarding how immigrants are perceived. On the one hand, the literature on "economic" migrants perceives them as "resources" for Canada (Paquet 2019, 33). The question, then, is how to attract, manage, and distribute these resources. Indeed, the literature consistently mentions the "race for talent and international competitiveness" to attract high-skilled immigrants (Baglay and Nakache 2013, 335; Paquet 2019, 20); the fact that provinces might know better than the federal government what specific resources they need according to their labor market context (Baglay and Nakache 2013, 339); and the problem of redistributing those resources, as some provinces struggle to retain these much-needed economic immigrants (Paquet 2020, 340).**7** On the other hand, the literature on "asylum seekers" perceives them as a "burden" or a "problem" (Paquet and Schertzer 2025, 27; Stein and Henaway 2025, 5). The question here is how to solve this

"complex intergovernmental problem"—defined as "a unique form of policy problem that results from a novel, boundary-spanning, intractable, and politically salient issue unfolding within an intergovernmental system that is ill-suited to manage the situation." Furthermore, such literature discusses what would constitute a fair "burden-sharing" among provinces and the federal government (Paquet and Schertzer 2025, 1, 14, 27).

Gabriel (2025, 3) explains: "There is an assumption that migrants and immigration policy not only will enhance the country's competitive advantage but also will not be a burden on the welfare state." Moreover, she states that "current entry categories reflect the state's valorization of economic migrants, particularly the high-skilled, and the concomitant devaluing of categories deemed unproductive such as the family-class stream and humanitarian streams" (Gabriel 2025, 3). It goes without saying that "economic" immigrants or "asylum seekers" do not see themselves exclusively as "resources" or a "burden" for Canada, and that this is an external assumption—both provincial and federal—imposed on them. These state-driven assumptions are shared, or at least not challenged, by scholars in immigration federalism in Canada.**8**

I present two possible explanations for these assumptions about immigrants. The first explanation is the institutionalist bias that excludes the views of newcomers or imposes categories on them. I evaluate what I consider an institutionalist bias in a challenging counterargument against what I have identified as the limitations of the immigration federalism literature in Canada: the only article purported to include immigrant perspectives (Coustere et al. 2025).

This article by Coustere et al. (2025), entitled "Federalized Two-Step Migration in Quebec: An Ambiguous Process of Inclusion," uses interviews with immigrants to answer the question: "How do migrants negotiate and perceive this federalized (Two-Step) inclusion process?" The authors conclude that this "federalization" of immigration makes the process more complex and could create precarity for newcomers navigating this two-step system to permanent residency. This study has the merit of putting immigrants at the center. However, I consider their evaluation of how immigrants perceive the "Two-Step" migration process itself to be an analytical imposition on immigrants.

This approach still denotes an "institutionalist bias" because in reality, it is a mere formality to pretend that the immigration system has "two steps." From an immigrant's perspective, the "two-step" system does not exist, even though they know that before applying for permanent residency with the federal government, it is necessary to apply for a *Certificat de sélection du Québec* with the province. The immigration system, for an immigrant, has not two but multiple steps: the stress of collecting documents and filling out forms, the payment of application fees, the medical exams, the unbearable waiting time while the federal government completes the security background check, the anxiety before receiving a response to the application, and so on. In other words, for an immigrant, the complexities of the process go far beyond the provincial and federal bureaucratic procedures.**9**

Second, I argue that assumptions about and

and exclusions of immigrants' perspectives in the literature can be explained by the particular place immigrants occupy in the federation, as neither citizens nor a nation. Federations are particular political organizations that recognize not only citizens as their main subjects, as in unitary states, but also ethnocultural constitutive units, such as nations, provinces, or states (Tierney 2022, 282; Levy 2007, 466). Perhaps this constitutional recognition of both citizens and ethnocultural units could explain the political importance of Canadian citizens, Quebec, and Indigenous peoples in the literature on federalism (Russell 2017; LaSelva 1996). This same characteristic of federations might explain the oversight and exclusion of those who are neither citizens nor ethnocultural units, as is the case for immigrants and non-citizens, as well as the perception that immigrants are either "resources" (economic immigrants) or a "burden" (asylum seekers) (Paquet 2019, 170; Paquet and Schertzer 2025, 27).

The neglect of immigrants and non-citizens in studies of federalism can be problematic due to their demographic weight. Immigrants represent 23 percent of the Canadian population, according to the 2021 census (IRCC 2023), and non-citizens represent a staggering 8.8 percent of the population (Statistics Canada 2022). By comparison, Quebec's demographic weight in Canada was 21.9 percent of the population in 2024 (Institut de la statistique du Québec 2024), and Indigenous peoples represent 5.0 percent of the total population in Canada, according to the 2021 Census (Statistics Canada 2023). In other words, immigrants and non-citizens have a greater demographic weight than Quebecers and Indigenous peoples, respectively. However, as objects of the federation rather than subjects, immigrants do not share their political weight in debates about federalism in Canada.

Conclusions and Directions for Future Research

> *In intergovernmental debates, migrants are often casualties*
> (Stein and Henaway 2025, 11)

I have argued that there is an institutionalist bias in the study of immigration federalism in Canada. Well-anchored in the theories of federalism, the problems and concepts at play in the literature are intergovernmental cooperation and intergovernmental relations, fiscal federalism, policy learning, and efficiency. This has the advantage of covering the main intergovernmental issues, but it is problematic because it greatly limits the scope of analysis, which focuses only on one category of immigrants—"economic" workers—and only from the perspective of institutions, rules, and norms. The few articles that analyze asylum seekers from an immigration federalism perspective do not study "economic" immigrants, and vice versa.

In most of the literature, immigrants' voices are overlooked, and they are perceived instrumentally: either as "resources" for the Canadian economy or a "burden" for the welfare state. This could be explained not only by the institutionalist bias, but also by the absence of critical theories in the literature, and the specific role immigrants play in a federation—as they are neither citizens nor a nation or ethnocultural unit with political power.

The absence of newcomers' voices and

and perspectives in immigration federalism is problematic due to their demographic weight in Canada and the important insights they can offer to better understand the federation. Furthermore, the inclusion of critical theories such as feminism, post-colonial and decolonial perspectives, or critical race theories could help in understanding the gendered and racial dynamics at play in the federalization of immigration.

For instance, some questions worth asking are: Why does the federalization of immigration in Canada coincide with the influx of racialized immigrants from the Global South? What are the correlations between "federalization" and the neoliberal turn of the 1990s? What are the differential consequences of immigration federalism for newcomers in relation to their gender, ethnocultural origin, immigration status, age, and other demographic factors? Do immigrants know about and care about "federalism," and how do they perceive federal-provincial relations? What is the role of non-state actors—employers, workers, and grassroots organizations—in immigration federalism?

To conclude, the subfield has a long way to go to fully understand the complexities of immigration federalism in Canada beyond "economic" immigrants or formal intergovernmental agreements. Immigration and federalism is a topic with significant research potential: the federation is currently experiencing a shift in the historical "consensus on immigration" that viewed Canada as "a country of immigrants" (Baglay and Nakache 2014, 96), and new measures are being implemented, such as the first-ever cap on temporary residents and limits on pathways to permanent settlement (BBC 2024).

1 I would like to thank Martha L. Pitre, Oriana Grosbusch, and Michelle Wang for their comments on a draft of this paper. All errors are my own.

2 I use the notions of "immigrant" and "non-citizen" as synonyms in this paper. Nonetheless, although all non-citizens are immigrants, not all immigrants are non-citizens, as some naturalize and become Canadian citizens (see section 4).

3 For a historical overview of the case of Quebec, from the creation of the Immigration Ministry of Quebec in 1968 to the consolidation of the 1991 Canada–Québec Accord relating to Immigration and Temporary Admission of Aliens, see Xhardez (2020, 217).

4 The literature on immigration constantly recalls that there is an important hierarchy among "economic" immigrants. While high-skilled immigrants are valued and have greater possibilities to access permanent residency, low-skilled immigrants are generally allowed to stay only temporarily in Canada, as their paths to permanent residency are more limited (Baglay and Nakache 2013, 338; Gabriel 2025; Vosko 2022).

5 The only exception is Paquet (2020, 350–52), because both "economic" immigrants and asylum seekers are presented, although the analysis is still anchored in institutionalist perspectives.

6 Those theories are very different and do not always share theoretical, normative, or methodological perspectives, but they all pay attention to the experiences of subjects, such as feminized or racialized actors.

7 According to 2018 data, most permanent international immigrants settled in four provinces: Ontario (43%), Quebec (16%), British Columbia (14%), and Alberta (13%) (Paquet 2020, 339).

8 One important exception, both in the literature on immigration federalism and in governmental assumptions about immigrants, is the case of the "Guardian Angels": asylum seekers working in the health system during the Covid-19 pandemic and seen as "essential workers," a phenomenon studied by Stein and Henaway (2025). This is an impressive example of what the literature on immigration federalism could gain once critical theories are included in the analyses.

9 There are numerous online forums—among others, on Facebook, Reddit, or the websites of immigration consulting firms—where newcomers exchange questions, answers, and experiences regarding the multiple steps of the immigration system in Canada. For instance, see (Reddit n.d.) and (CanadaVisa n.d.).

For references, see pages 85-87.

Legal Performance and Deservingness: Asylum Hearings and the Refugee Status Determination Process in Canada

Written by Gabrielle Gancedo

Edited by Maddie Landon

Abstract:

When people flee persecution and seek protection in another state, they are considered as asylum seekers. This paper argues that asylum seekers who resettle in Canada have to "perform" what it means to be an asylum seeker for a legal audience. What does the performance of law entail? How is the "deservingness" of asylum seekers measured? This paper seeks to respond to all of these questions.

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Introduction

In dire situations, when living becomes nearly impossible, some choose to leave their homes. When people flee persecution to seek protection in another state, they are considered asylum seekers (United Nations 1951). They are recognized as refugees only if their application is accepted by the receiving state. However, claims for asylum are analyzed as if they arise in isolation; the connection between the past, present, and future is overlooked. This paper seeks to address a gap in research, in which the asylum process is studied in isolation from the mechanisms that compel individuals to flee their countries of origin and pursue the Refugee Status Determination (RSD) process in Canada.

Canada's RSD process begins when a person makes a claim either at the port of entry or inland. After the claim is made, the claimant undergoes initial processing, which includes medical examinations, security, and identity checks, followed by an eligibility interview. The claimants must then submit the Basis of Claim (BOC) form outlining the reasons for seeking protection. If the claim is found eligible, it is referred to the Immigration and Refugee Board (IRB), specifically the Refugee Protection Division (RPD), where a hearing date is scheduled. In the period leading up to hearing, claimants prepare for the hearing by gathering and preparing evidence (Government of Canada 2002). The refugee hearing is a key step in the process, after which a RPD member issues a decision, either orally at the end of the hearing or later in writing.

Refugee hearings begin with an introduction, where a board member—an independent decision-maker at the RPD responsible for hearing and deciding refugee claims—explains the process and administers an oath or affirmation (Immigration and Refugee Board of Canada 2026). A board member is an independent decision-maker who works for RPD and is responsible for hearing and deciding refugee claims (Immigration and Refugee Board of Canada 2026). The member then questions the claimant about their claim, including their narrative and supporting documents. Additional evidence, such as identity documents, medical records, or police records may be presented, and witnesses may testify. The hearing concludes with final remarks, which provide the opportunity for the claimant and their counsel to argue why the claim should be accepted. If the claim is rejected, some claimants may be eligible to appeal to the Refugee Appeal Division (RAD), while others may have access to judicial review at the Federal Court (Immigration and Refugee Board of Canada 2025). The duration of the process varies depending on several factors, including system backlogs, the complexity of the claim, and the claimant's country of origin. Becoming a recognized refugee in Canada typically takes 16 to 24 months on average (Immigration and Refugee Board of Canada 2021).

Is it fair that asylum seekers must navigate a lengthy bureaucratic process with no guarantee of success? To whom are they asking permission to stay, and where does the authority in decision-making stem from? These are some of the questions by the documentary film *The Hearing* (2023), directed by Émilie B. Guérette and Peggy Nkunga Ndona, which recounts the story of Peggy and her family after they fled the Democratic Republic of Congo (DRC), and their attempts to navigate life in

Montreal while preparing for their asylum hearing (Guérette and Nkunga Ndona 2023)**1**. This paper was inspired by a comment made during the post-viewing discussion, arguing that asylum seekers "perform" a case instead of simply presenting evidence to substantiate their claims. This led me to consider the performative dimension of law in asylum trials and reflect on the role of legal representatives.

In this essay, I employ a postcolonial framework to argue that Canadian refugee determination hearings consist of "theatrical performances" in which asylum seekers "perform" their stories to an audience. The verdict of the adjudicator aligns with domestic priorities under the illusion of neutrality and justice granted by Canada's internationally acclaimed and comparatively generous RSD system. In the Canadian context, the human-centered essence of asylum is frequently overshadowed by national interests, forcing asylum seekers to "prove" their deservingness for refugee status. In this paper, I connect courtroom performance theory (Hamlin 2014, 9) to politics of deservingness (Nicholls et al. 2016), describing the process of categorization and objectification that asylum seekers undergo throughout the refugee determination process.

The Politics of Deservingness: Asylum Seekers versus Citizens

Asylum seekers' futures, and sometimes even survival, are determined squarely by how "deserving" they are deemed to be granted asylum. However, "deservingness" is far from a neutral criterion of evaluation. The decision of who deserves asylum is largely subjective and rests in the hands of hearing adjudicators. The top-down, extrospective decision-making process led by a powerful foreign nation risks a detachment from reality and a failure to account for individual circumstances, relying instead on broad generalizations and assumptions.

Conversely, asylum seekers are not in a position to make official assessments of how welcoming a government or its citizens are towards asylum seekers, refugees, or immigrants. This is not necessarily the case because asylum seekers lack legitimacy or may be biased, but because they are not perceived by the nation-state as having the right to make such judgments, given their precarious position in society. They are expected to be grateful for assistance provided by foreign governments and not to complain. This perspective is particularly dominant when discussing immigrants' and refugees' rights to access social services (Willen 2011; Hennebry et al. 2016; Ho et al. 2025). Meanwhile, citizens consider themselves as possessing the right—or fail to recognize their privilege—to categorize foreigners and form opinions about them based solely on personal characteristics, such as religion and level of education (Lawlor and Paquet 2022, 3484–3504).

Nicholls et al. (2016) discuss the politics of deservingness, which can be understood as a discourse employed by citizens to assess the deservingness of foreign groups, undocumented, for example, residing in their country to remain and to be considered as potential candidates for naturalization. Their paper argues that there are certain cultural attributes that render the immigrant youth deserving in the eyes of advocates (Nicholls and Caldas de Mesquita 2016, 1591). They further argue that "this restricts the terms of

deservingness within a community of citizens to those who share national norms, tastes, mannerisms, and values" (Nicholls et al. 2016, 1591). Even though most citizens do not have the authority to decide who stays, who is deported, who qualifies as a genuine asylum seeker, or who deserves protection, some nevertheless hold strong opinions about foreign individuals. These views are expressed through informal conversations, general opinion polls, interviews, and political or social activism, and can inform policies implemented by decision-makers.

These strong beliefs are often made using mental shortcuts that Bang Paterson et al. (2010) refer to as "deservingness heuristics." Deservingness heuristics allow individuals to "produce quick judgements with limited information and hence allow for opinion formation even when substantive information is absent" (Bang Paterson et al. 2010, 26). These mental shortcuts lead to broad generalizations about groups of people. Instead of citizen assessments relying on detailed, case-specific evidence, the deservingness to stay mainly depends on the ability for foreigners to contribute to the economy and to society (Lawlor and Pacquet 2022, 3485). In fact, Lawlor and Paquet (2022) write that, dating back to 1967 with the points system, "Canada has prioritized the potential economic contributions of migrants above all other considerations in evaluating their applications" (3488).

Recently, with the increased visibility of asylum seekers from developing countries in Europe and North America, the so-called "refugee crisis," political and media narratives began to distinguish "genuine" refugees from "bogus" refugees (De Genova et al. 2018, 239–265). Certain asylum seekers are considered to be "fake" asylum seekers—economic migrants who conceal their true identity and fabricate persecution stories. This discourse fuels public anxieties about deception and fraud, framing the possibility of refugee scams as a wrongful exploitation of Western humanitarian principles. In her pivotal work on law and performance, Julia Stone Peters (2022, 6) writes: "Spectacle could blind one with its splendor. The best performers used theatre to deceive." Citizens may fear that "bogus" refugees profit from government aid and take advantage of the generosity of foreign states through "deceiving" performances (Picozza 2021, 14 and 107). However, the flipped side of the coin is the risk of deporting genuine asylum seekers who may be in grave danger upon their return (Hamlin 2014, 22). In sum, deservingness is embedded in power relations between those who consider themselves entitled to judge others: citizens, and those who are subject to such judgements: asylum seekers.

Courtroom Performance Theory and the Oral Hearing

What does performing deservingness signify? For whom is this performance? This next section will discuss law as performance and delve into the specifics of asylum hearings in Canada through the lens of courtroom performance theory. Courtroom performance theory recognizes that law exists beyond the text; it is meant to be enacted (Balkin and Levinson 1999). It is a part of legal scholarship that is by no means limited to asylum hearings, nor to the performance of the asylee. The adjudicator, legal representative, the translator, and all other participants contribute to the

spectacle of the courtroom through their speech, mannerisms, and facial expressions, all of which are interpreted by the other parties. The hearing venue thus becomes a stage on which law is enacted and comes to life. In sum, the ambiance of refugee hearings resemble that of a courtroom. In modern courtrooms, claimants must learn to present their stories in a persuasive and coherent manner in order to convince adjudicators to grant them refugee status. However, this is no easy feat—trauma, lack of knowledge and resources, and the personal characteristics of decision-makers can pose significant obstacles for claimants seeking protection.

First, it is important to note that prior to *Singh v. Ministry of Employment and Immigration*, [1985] 1 S.C.R. 177, refugee claims were evaluated on paper, without conducting in-person oral hearings, which meant that asylum seekers were unable to argue their case directly before a staff member from the Refugee Protection Division (RPD). In 1984, Satnam Singh, a denied asylum seeker from India challenged the Supreme Court by claiming that the basic Refugee Status Determination (RSD) system was in violation of Section 7 of the new Charter that guaranteed "everyone…the right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice." *Singh v. Ministry of Employment and Immigration* established the law that refugee applicants are entitled to a "rich" administrative RSD process, which includes the right to oral hearing (Hamlin 2014, 86).

Peggy's Experience in *The Hearing (2023)*

While oral hearings allow asylum seekers to argue their cases, knowing how to act, what to say, and how to speak during an asylum hearing is no easy task. Many asylum seekers initially do not know or fully understand how to navigate the lengthy and complex refugee protection claim process that awaits them. This lack of knowledge and resources is often compounded by cultural and linguistic barriers that render the process increasingly complicated (Rousseau et al. 2002, 51; Government of Canada 2017).

An asylum hearing is an inherently stressful experience. In a single moment, the asylee's fate is decided.**2** As evidenced in the documentary narrative presented in The Hearing, which follows the daily lives of a family of asylum seekers in Montreal as they prepare for their refugee hearing, Peggy, the mother, struggled to recall past events and to construct a coherent, well-supported argument in favor of her claim. Traumatic events are often difficult to recount, as the brain blocks painful memories to protect the individual from retraumatization (Rousseau et al. 2002, 48). This was very much the case for Peggy during her hearing. Because of the trauma she and her family experienced, recalling and recounting the details of her tumultuous journey from the DRC to Montreal proved particularly challenging. Peggy's inability to clearly articulate the dangers faced by Congolese refugees in Brazil ultimately led to her case's denial.

The mental impact of asylum hearings are downplayed both by the legal representative and the adjudicator. For one, lawyers are primarily concerned with winning the case (Rousseau et al. 2002, 60). Further, board members may become desensitized due to

repeated exposure to claimants' traumatic stories, which can lead to emotional numbness, which can translate into lack of empathy, and displaced reactions, such as anger or even humor (Rousseau et al. 2002, 51). For instance, "[the chairperson accepted the] suggestion that an eleven-year-old child's torso be stripped […] to show his scars, which was totally unnecessary, since there was already a thorough medical report and pictures of the child's body in a file. The child was severely retraumatized by the event […]. One board member, caught off guard, joked: 'He can just think of me as his grandmother'" (Rousseau et al. 2002, 60). The inconsiderate attitude of this board member demonstrates a power inequality implicit between asylee and the decision makers, wherein those with the power to decide claimants' futures are numbed to the trauma experienced, and have a freedom to treat a deeply serious situation with levity.

Indeed, another factor contributing to the denial of Peggy's case was the personality of the adjudicator. Some adjudicators are more stringent than others; had the adjudicator been more inclined to support her case, he would have granted protection for her and her family. The outcome of an asylum hearing depends not only on how well a case is articulated, but also on who is assigned the case.

Demeanor as Evidence? Biases and Identity in Adjudication

One of the strengths of Canada's RSD system is that it is non-adversarial,**3** which, in theory, eliminates the need for a formal defense. However, in reality, what is observed is asylum seekers constantly being challenged and rigorously scrutinized by board members (Rousseau et al. 2002, 65). In the setting of a refugee hearing, Canadian scholar Sean Rehaag (2008, 335) found that the identity of the adjudicator played a significant role in determining case outcomes. This indicates that not only does the country of origin of the claimant matter, but the personal beliefs of the person who makes the decision also matters. Rehaag (2008) finds margins and deviations among adjudicators. For example, one board member had a grant rate for Chinese claimants of 27 percent above the average while another had a grant rate of 26 percent below. This data showcases the biases inherent to the supposedly neutral system that asylum seekers must navigate.

Board members are not required to possess the skills or knowledge necessary to ensure successful cross-cultural communication among the different parties. Although board members specialize in the geopolitical and economic specificities of a region, they do not delve deeper into the complexities of political turmoil, war, or genocide, nor into how these conflicts and violence impact individuals at the local and personal level (Rousseau et al. 2002, 60–63). As explained by Colaiacovo (2013, 123), the "acceptance or denial of claims is partially a function of factors unrelated to the claim itself." Accordingly, a limited understanding of the asylee's socio-political situation results in insufficient information for board members to make an informed decision.

Even though board members "cannot comment negatively on applicants' demeanor, make remarks on their emotional response to their counsel's questioning and determine that they are evasive, incoherent and disjointed in their testimony" (Rousseau et al. 2002, 47), these

factors are instinctively taken into account. Meetings involve discovering and analyzing visual cues. The overall appearance of others is scrutinized, such as facial features and expressions, grooming and fashion choices, for example. People give meaning to others' words and actions based on delivery and demeanor. Our minds use these visual cues to guide the interpretation of others' words and their meanings (Bornstein and Greene 2011; Findley 2012). The fact that courtroom demeanor can influence the verdict in asylum hearings is problematic, as it shifts the focus away from evidence-based assessments and turns asylum trials into evaluations of the claimant's persuasiveness.

It is important to note that people's physical attributes and character are influenced by culture and, at times, traditional expectations. Training programs for board members lack content on cultural sensitivity, cultural literacy, and open-mindedness (Rousseau et al. 2002, 67). There is little acknowledgement about the intercultural dialogue that takes place during asylum hearings. Cultural and linguistic differences can lead to misunderstandings, information loss due to inadequate or incomplete translation, and even unnecessary tension and conflict due to barriers in communication, which render communicating time-intensive, exhausting, and frustrating for all parties involved (Rousseau et al. 2002, 63). The personal characteristics of board members influence their decision-making and thought processes, and consequently, the final verdicts of asylum hearings. As such, asylum seekers are expected to adapt and adhere to the rules of the host country in order to meet its expectations. Asylum seekers thus have to learn to "perform" what it means to be an asylum seeker for a Western audience.

How do I Prove I'm Gay? Performing Deservingness for SOGIE Refugee Status

In *Real Queer? Sexual Orientation and Gender Identity Refugees in the Canadian Refugee Apparatus*, David A. B. Murray (2015) argues that the question "how do I prove I'm gay?" is central for many refugee claimants seeking asylum on the basis of persecution due to sexual orientation. Asylum seekers who identify as part of the LGBTQIA2S+ community and who experience discrimination, persecution, or threats due to their sexual orientation or gender identity in their home country can apply for protection in Canada. Sexual Orientation, Gender Identity, and Gender Expression (SOGIE) refugees in Canada are required to provide evidence of gender and sexual identity (Murray 2015). Digital evidence is often solicited, such as social media posts. A claimant was rejected on the grounds of a lack of credibility due to inconsistencies in his Facebook profile, where he presented himself as heterosexual (Bond and Wiseman 2020, 38).

How can board members claim that someone appears heterosexual or homosexual without relying on stereotypes about sexuality? Markers of queerness must conform to Western understandings of LGBTQ+ identity. Western-dominated queer culture is reductive because it overlooks the diversity of queer identities and perspectives of belonging across various cultures. Western countries, particularly the United States, dominate narratives of what it means to be gay, but there is no singular way of being gay, as sexual identity is personal and lived differently by each individual. The forced

conformity of the SOGIE refugees illustrates how refugee determination in the West is grounded in Western frameworks that serve Western interests. Refugees are therefore compelled to conform to these expectations, but at what cost?

Virtual Asylum Hearings: A Viable Approach to Conducting Refugee Hearings?

Hamlin (2014) argues that a rich administrative RSD process requires in-person oral hearings, which might suggest that the widespread adoption of online hearings during and after the COVID-19 pandemic is unlawful. In reality, the law does not mandate that hearings be conducted in person; it only requires oral hearings. As a result, virtual hearings remain legally valid. Today, the vast majority of asylum hearings are conducted via Microsoft Teams, meaning that the asylum seeker and the adjudicator are located in separate rooms and interact via their computer screens.

Even if online hearings are legally admissible, is it fair that asylum seekers are not automatically granted the option of an in-person hearing? Virtual hearings are convenient—there is no need to travel to the hearing venue (Mayblin 2020, 117–118)—but that does not change the fact that people communicate differently online than they do in person (Derks et al. 2008; Okdie et al. 2011; Lieberman and Schroeder 2020; Ngyuen et al. 2021; Gruber et al. 2022; Anthony et al. 2025).

Although concerns about the efficiency of the process are legitimate, especially given that the Canadian RSD system is referred to as the "Cadillac system" because of the substantial time and resources devoted to examining each case (Hamlin 2014, 85), efficiency should not come at the expense of providing asylum seekers with fair opportunities to communicate their case in the clearest and most convenient way possible. Screens introduce barriers between people, making it difficult to build trust and convey emotions appropriately (Derks, Fischer, and Bos 2008). Online communication tends to require greater directness, as the reduced visual field limits the ability to perceive body language and other nonverbal cues that facilitate communication and the overall comprehension of the other person, of their words, and their intentions. (Paradisi et al. 2021). As said by Sherwin (2013, 3): "As viewers we may think we are getting the whole picture, but every camera frames its own point of view. With equal certainty we may believe in the digital images that we see, but how can we be sure of their basis in reality? Once we enter the domain of simulation, how do we keep from slipping into an endless matrix of mere appearances?"

Digitalizing hearings disrupts asylum seekers' ability to perform their deservingness in a way that feels authentic to those who decide their future. The human element is diminished when a video interface is the only point of contact between adjudicator and claimant. This can further dehumanize the "other," making it easier for adjudicators to distance themselves, thereby creating a significant barrier to fair evaluation. In the process, asylum seekers risk losing their identities by being reduced to narratives and case files, but never understood as individuals with their own lived realities and hardships. After all, "To seek asylum […] refers to their induction into a condition of waiting, uncertainty and dependency that frustrates any chance for self-creation […]."

(Ferrier 2011, 6).

Conclusion and Directions for Future Research

In conclusion, asylum hearings in Canada, now virtual by default, require that asylum seekers "perform" their stories before board members. Drawing on courtroom performance theory, trials can be understood as theatrical spaces where different actors assume specific roles. For claimants and their legal representative, courtroom demeanor is of utmost importance because they know that how they act, express themselves, and how convincing they are, the more chances they have to get a positive decision.

Although board members are prohibited from making commentaries or basing their decisions on the mere appearance or behavior of the claimant during the hearing, they are undeniably influenced by these external cues (see Zapata v. Canada 1994). Evidence of persecution, human rights violations, or inflicted harm alone becomes insufficient to grant asylum. Instead, claimants are frequently evaluated according to categorical assumptions linked to country of origin and other personal characteristics. The personal attributes of adjudicators, such as political orientation further influence decision-making (Hernández 2025); each adjudicator brings their own perceptions of deservingness to the process, as do citizens.

These dynamics reveal how geopolitics, along with cultural and national concerns, reproduce unequal power relations between claimants and adjudicators. This hierarchical relationship between asylum seekers and adjudicators reflects a long, often obscured colonial history. Colonialism has undeniably shaped the international law that governs refugee migration today, namely the 1951 Refugee Convention (United Nations 1951). The humanity of asylum seekers, particularly those who are non-European and from previously colonized regions, is called into question. For this reason, postcolonial theory and a geopolitical analysis are especially revealing tools for understanding the power relations that structure asylum hearings and shape refugee determination outcomes.

Colonial legacies also remain visible in the migration pathways and choice of country of origin of Global South asylum seekers and the protective measures of Western States. Further research should examine migration pathways between the Global North and the Global South and explore how these trajectories may reflect colonial or neo-colonial relationships. Such research should seek concrete evidence of cases in which asylum seekers select destination countries that share a historical, (neo)colonial, or geopolitical ties with their country of origin. Mapping these trajectories and analyzing the decision-making processes behind the selection of destination countries would be particularly insightful, as it would shed light on the coloniality of asylum even before the refugee determination process begins.

1 Learn more about The Hearing*:* *https://www.cinematheque.qc.ca/en/cinema/the-hearing/*.

2 After an asylum claim is denied in Canada, the claimant can apply for judicial review and explore other options to avoid removal, such as Humanitarian and Compassionate Grounds (H&C).

3 In this context, non-adversarial means that unlike legal proceedings where there are two different sides against one another (as is the case of the U.S. refugee determination

process), refugee determination in Canada is not trial-based. Instead, it takes place through a paralegal process (RPD) where the decision is made by an adjudicator rather than a judge.

For references, see pages 87-89.

In the In-Between

Beirut, Lebanon, 2023

Created by Wala Al-Sadi

In these photographs, shadow becomes a stand-in for the body suspended between departure and return. As a Yemeni woman living in the diaspora, I live in an in-between space where home is both present and absent, close and unreachable. This work delves into how absence of one's home country and family affects one's life, trapping them in-between homesickness and navigating daily life.

Wala Al-Sadi *is a Yemeni aspiring archivist and visual storyteller pursuing an MA in Information Studies at McGill University. With a background in Communication and Audiovisual Production from the Lebanese American University, she built a strong foundation in photography, media, and visual documentation. Passionate about art, culture, filmmaking, and memory, Al-Sadi is committed to using visual documentation and archival practices to preserve and document the rich Yemeni cultural heritage.*

Deterrence Over Duty: The Protection Gap in U.S. Asylum Policy

Written by Marisa Lim

Edited by Paloma Claire Figueroa

Abstract:
This piece examines how US policy has increasingly prioritized deterrence over legal and moral obligations to protect refugees under international law. Focusing on both Trump and Biden administrations, it analyzes how border securitization and externalization policies undermine commitments to the 1951 UN Refugee Convention and its 1967 Protocol and the 1984 UN Convention Against Torture. By redirecting asylum seekers to third countries such as Mexico and the Northern Triangle, this paper argues that the US exposes vulnerable individuals to serious harm while evading accountability. Ultimately, the aim of this paper is to highlight a growing gap between international refugee law in theory and US asylum practice in reality.

Marisa Lim *is a Political Science and International Development student. She is interested in issues related to US politics, migration policy, and international law.*

Introduction

"'Anyone who illegally crosses will be detained until they are removed and go back to [the] country from which they came'" (Desjardins, 2016). These words spoken by Donald Trump during his 2016 presidential campaign are just one instance of a narrative that has become increasingly prevalent throughout the Global North—one that insists on sending people "back to the country from which they came." But what if that country has become too unsafe to live in, such that sending anyone back would mean returning them to danger, persecution, and other threats from which they fled?

The mistreatment of asylum seekers has become increasingly widespread across the globe, namely across the Global North. In recent decades, wealthy democracies have adopted policies designed to turn away waves of migrants attempting to cross into their borders, resulting in the effective refoulement, or forcible return, of asylum seekers fleeing violence and conflict. Although these countries are expected to uphold the principle of non-refoulement under international human rights law, they have introduced policies that create significant barriers to accessing asylum. As a result, those who seek asylum and protection are often pushed away to third countries where they may never receive the protection to which they are entitled under international human rights law. These practices reduce the number of available safe and legal pathways to asylum while allowing receiving countries to evade accountability and transparency. The United Kingdom, European Union, and United States have been the main actors rapidly implementing these policies alongside the rise of far-right parties, with Trump's America serving as an increasingly alarming example of this phenomenon.

Throughout this paper, I will use the term "asylum seeker," defined as an individual seeking international protection and awaiting a decision on their claim (International Organization for Migration n.d.). I will also use "refugee," which the United Nations High Commissioner for Refugees (UNHCR) defines as an individual that is forced to flee their own country due to war, violence, conflict, or persecution, and cross an international border to find safety in another country (Mantoo 2023). Similarly, according to the United Nations Educational, Scientific and Cultural Organization (UNESCO), a "displaced person" refers to an individual who has been obliged to leave their home, particularly to flee armed conflict, generalized violence, human rights violations, or natural or human-made disasters (UNESCO 2023). This definition "covers both internal and cross-border displacement" (UNESCO 2023), but in this paper I will focus on the latter. Additionally, I will discuss the principle of "non-refoulement" which, under international law, prohibits states from extraditing, deporting, expelling, or returning a person to places where they may face significant threats to life or freedom (International Organization for Migration n.d.). The term "migrant" does not have a clear, universally accepted definition under international law; however, throughout this paper, "migrant" will serve as an "umbrella term covering all forms of movements," following an inclusivist approach used by the International Organization for Migration (IOM). Also according to the IOM, "immigration" is the act of "moving into a country other than one's country of nationality or usual residence so that the country of

destination effectively becomes his or her new country of usual residence" (International Organization for Migration n.d.). Although asylum seekers and refugees are "specifically defined and protected under international law" (UNHCR n.d.) given their reasons for crossing international borders, US authorities often treat them as part of the same immigration system as all other migrants. This conflation enables refugee deterrence policies that allow governments to avoid their legal duty to protect refugees.

In recent years, the US has taken the lead in advancing refugee deterrence policies, placing vulnerable asylum seekers at risk despite protections theoretically guaranteed under the 1951 United Nations Convention and its 1967 Protocol, as well as the 1984 UN Convention Against Torture. By highly securitizing their borders and externalizing asylum processing to third countries, the US sends individuals into unsafe conditions, violating the UN's principle of non-refoulement. Although US border control policies seek safer and more efficient migration management—as other sovereign nations do—these policies ultimately conflict with international legal protections rather than uphold them.

This paper will analyze the ongoing phenomenon of refugee deterrence in the United States context, primarily focusing on the Biden administration and both Trump administrations. I will first review international migration law in theory, defining the implications of UN Conventions related to refugee protection and refugee rights. Then, I will examine two key refugee deterrence methods: the securitization and externalization of borders. The paper will detail how Mexico and the Northern Triangle countries (Guatemala, El Salvador, Honduras) play a role in deterring asylum seekers and thus contribute to the associated dangers. Finally, I will briefly discuss the limitations of US programs that aim to address the "root causes of migration" as a way of limiting the number of migrants and asylum seekers crossing into US borders, arguing that these programs only contribute to refugee deterrence and work against UN obligations to protect asylum seekers.

From Theory to Practice: The Limits of UN Refugee Protections

The fundamental basis for refugee protection under international human rights law lies in the 1951 UN Refugee Convention and its 1967 Protocol. The 1951 UN Convention sets up the central principle of non-refoulement, which states that "no one shall expel or return ("refouler") a refugee against his or her will, in any manner whatsoever, to a territory where he or she fears threats to life or freedom" (UNHCR 2010). The 1967 Protocol expands the Convention to apply universally to all people fleeing conflict or persecution, as the 1951 Convention was originally designed to protect the millions of Europeans displaced after World War II. Since then, 149 nations, including the United States, have signed and pledged to uphold the 1951 Convention and its 1967 Protocol.

The 1984 Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), though not initially designed for asylum seekers and refugees, serves as another protection for them under international human rights law. In Article 3 Section 1, the 1984 Convention states "no State

Party shall expel, return ("refouler") or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture" (United Nations 1984). The 1984 UN CAT along with the 1951 UN Refugee Convention and its 1967 Protocol function in tandem to prohibit the return or transfer of individuals to a country where they may face serious risks to their life and freedom, including through torture.

In theory, these UN conventions protect displaced individuals from potentially being sent back into the danger they fled; however, those individuals are not protected in practice. Indeed, receiving countries consistently fail to uphold the aforementioned refugee protection principles enshrined in international human rights law.

Securitization of Borders

As a self-proclaimed "land of opportunity," the United States is one of the main receiving countries in the Global North. In 2024, the country was qualified as "the top global resettlement destination, far surpassing other major resettlement countries in Europe and Canada" (Chishti et al. 2024). At the same time, the US government has taken steps to considerably reduce the number of individuals seeking resettlement in the US, ultimately to the detriment of their safety. This section will analyze how recent US administrations have engaged in refugee deterrence through the increased securitization of national borders, undermining compliance with UN Conventions by deporting refugees into dangerous environments.

Title 42, a section of the US Code under the Public Health Service Act of 1944, authorizes federal health agencies to prevent migrants from entering the country in order to reduce the spread of contagious diseases. In 2020, the Trump administration invoked Title 42, claiming that an influx of migrants would cause public health concerns amidst the COVID-19 pandemic. According to the Columbia University Mailman School of Public Health (2022), Title 42 "discriminate[s] against asylum-seekers" and "fuel[s] racist tropes about migrants as vectors of disease." In practice, Title 42 primarily serves as an immigration control strategy rather than a public health policy. Thus, since its reinvocation by Trump during his first term, US Customs and Border Protection has carried out over 2 million expulsions under Title 42 (Ellis and Kuhn 2023), allowing border patrol agents to rapidly expel migrants to their home country or most recent transit country (Gramlich 2022). The continued instrumentalization of Title 42 by the Biden administration conflicts with the principle of non-refoulement, as "expelled asylum seekers have been subjected to rape, kidnapping, and assault in Mexico," where many of them are deported (Erfani et al. 2021, 52). Indeed, Title 42 virtually overrides the asylum process under the guise of maintaining public health, allowing officials to immediately expel asylum seekers and deny them their internationally recognized right to seek protection outside of their country of origin, all while operating with limited accountability and transparency.

Increasingly severe border securitization efforts have continued under Trump's second term. On January 20, 2025, Trump signed an executive order titled "Securing Our Borders," which has

led to historically high immigration detention rates (The White House 2025). When Trump returned to the White House that month, there were 39,000 detainees in Immigration and Customs Enforcement (ICE) custody. By late August, there were 61,000 (Chishti and Lacarte 2025). According to the American Immigration Council, in just one year, the amount of detainees increased by over 75 percent, with a record high of 73,000 detainees in January 2026 (Reichlin-Melnick 2026). These historically high rates of detainees demonstrate how the US uses border control to assert authority, as "detention remains a potent symbol of sovereign authority over territory" (Mitchell and Sampson 2013, 107). This focus on control through widespread detention highlights a protection gap between international non-refoulement obligations and domestic reality, where asylum seekers are denied access to their theoretically guaranteed rights to safety and protection.

This protection gap was further reinforced when, on the first day of his second term, Trump suspended the United States Refugee Admissions Program (USRAP), stopping the entry of asylum seekers into the US and halting decisions on refugee status applications (Gil et al. 2025). Suspending the USRAP is one of the Trump administration's most blatant moves of disregard for international human rights law. Similar to other border securitization strategies, it has been enforced largely under the pretense of "stopping weapons and drugs from flowing North" (Ardalan 2025, 137). Like public health, safety is another concern commonly invoked by the government to justify stopping all asylum seekers from entering the US. These efforts contribute to the hypercriminalization of refugees and asylum seekers while "[entrenching] long-standing border securitization measures" (Ardalan 2025, 137). US border securitization measures, in turn, deter displaced persons seeking asylum and safety, violating the principle of non-refoulement by subjecting them to dangerous conditions.

Externalization of Borders

The US also shows disregard for refugee protections under UN Conventions through its externalization of borders. FitzGerald (2019) calls such practices "remote controls": methods employed by wealthy receiving countries to control migration beyond a country's territorial borders. These controls include "safe third country" agreements, which, in theory, offer protection by "not send[ing] refugees back into the hands of their persecutors" (FitzGerald 2019, 9). However, in practice, these third countries often exhibit severe human rights abuses and widespread violence.

For example, in 2019, the US signed Asylum Cooperative Agreements (ACAs) with Guatemala, Honduras, and El Salvador, which together form the Central American region referred to as the Northern Triangle. The ACAs diverted asylum seekers to apply for protection in these third countries, where "they would have no chance to access safety" (Ardalan 2025, 136). These policies turn vulnerable asylum seekers away from the US and away from safety, inconsistent with the UN Convention principle of non-refoulement. ndeed, Northern Triangle countries consistently report high rates of murder, namely femicide, and overall violence. Relative to the US, these three countries present significantly higher homicide rates: in 2020 Honduras had a rate of

35.7 homicides per 100,000 people, Guatemala 18.19, and El Salvador 21.5 (UNdata 2025), while the US had about 6.5 (Remrey 2025). The Northern Triangle countries do not provide safe environments for refugees; thus, these third country agreements violate the 1951 Convention and its 1967 Protocol.

Aside from being harmful to asylum seekers, the ACAs are ineffective. For instance, over a year after these agreements were implemented, "of the 945 asylum seekers transferred to Guatemala under the ACA, not one was granted asylum" (Erfani et al. 2021). This is largely because the Northern Triangle countries lack the necessary capacity to process asylum seekers or keep them safe: neither Guatemala, Honduras, nor El Salvador "...employed a full-time staff member dedicated to asylum…" as of January 2021 (Erfani et al. 2021, 49). By design, the ACAs fail to prioritize their supposed goal of granting asylum, functioning instead as mere temporary holding arrangements.

The externalization of borders through offshore processing not only endangers asylum seekers but ultimately reduces their chances of ever obtaining asylum. In the US, this political strategy has been maintained from one administration to the next and across partisan lines: though the Republican Party is often considered more hostile toward migrants and refugees—especially under Trump's first and second ongoing presidency—the Democratic Party has also contributed to this hostile climate. In 2023, the Biden administration introduced the Circumvention of Lawful Pathways rule, under which asylum seekers arriving at the US southern border were to be presumed ineligible for US asylum unless they first sought asylum in a transit country and were denied (Ruiz Soto et al. 2024, 32). Through the "Collaborative Migration Management Strategy" launched in July 2021, the Biden administration was already funding the creation of asylum systems in Guatemala and Mexico to facilitate this offshore asylum processing in transit countries (Ardalan 2025, 140). Although this strategy was meant to expand legal pathways to asylum, those pathways have been largely ineffective. Consequently, rather than facilitating access to asylum, this strategy has complicated the asylum process across North and Central America, ultimately decreasing the chances of asylum seekers ever reaching safety in the region.

As illustrated by the ACAs, wealthy receiving countries like the US do not enforce externalization by themselves. Mexico, the US' southern neighbor, has become particularly involved in US immigration enforcement, acting as a strategic partner to the US' border externalization policies. Under the "Remain in Mexico" policy, a bilateral deal between the two countries implemented in January 2019, asylum seekers at the US southern border were forced to wait in Mexico until their claims were processed or cases adjudicated. Many were forced to remain in Mexico for months or even years, living in life-threatening conditions by the border (Erfani et al. 2021, 44). Indeed, waiting in Mexican border cities poses serious safety issues as drug cartels have become increasingly active in migrant smuggling, even invading refugee shelters to kidnap people for ransom (Ruiz Soto et al. 2024, 33). In an interview with a humanitarian volunteer in the Rio Grande Valley published in April 2024, the Washington Office on Latin America described

he case of a Guatemalan woman who tried to seek asylum in the US to protect her eight-year-old daughter from a gang seeking to recruit her into sex work. After being denied access to a port of entry at the Texas-Tamaulipas border, criminals kidnapped the woman while she returned from the border. There are many of these alarming accounts of violence against asylum seekers at the US's doorstep, increasingly so since the implementation of restrictive US border policies that "bottle up or return large numbers of migrants to Northern Mexico" (Brewer 2024). Overall, the director of a humanitarian group (left unnamed) said the Mexican refugee shelter conditions are dire within this unsafe climate: "They're dragging people out of their tents at night, they're taking entire families" (Brewer 2024).

Meanwhile, both US and Mexican officials are aware of these conditions, yet maintain these violence-inducing policies. As drug cartels largely control Mexican border cities, returning asylum seekers to these areas of frequent and violent human rights abuses constitutes a serious violation of non-refoulement. Because asylum seekers risk torture from cartels through kidnapping, sexual violence, forced labor, and other forms of abuse, returning them to these areas also violates the 1984 UN Convention Against Torture.

Attempts to Address "Root Causes of Migration"—Another Deterrence Policy?

As part of this ongoing political effort to deter migrants from crossing into its borders, the US has aimed to address the "root causes of migration" by way of developmental aid. In the Biden administration's Fiscal Year 2023 budget, the Department of State outlined its Root Causes of Migration Strategy to prevent irregular flows of migration from Latin America. These initiatives aimed to address migration push factors such as corruption, poor governance, violence, inequality, and lack of economic opportunity (US Department of State 2023, 76) in countries such as Mexico, Colombia, El Salvador, Guatemala, and Honduras. Indeed, the initiatives mainly targeted Latin American countries given the region's central place in migration flows to the US, with 58 percent of all new immigrants in the last four years originating from Latin America (Camarota and Zeigler 2025). Simultaneously, federal funding for the Caribbean Basin Security Initiative, a security partnership with thirteen Caribbean nations launched in 2010, continues to be directed toward strengthening border security and cooperation between the US and partner countries. The initiative aims to support criminal justice sector reforms and enhance the capacity to counter gang violence, money laundering, and trafficking (US Department of State 2023, 120).

However, similar to the ACAs, these aid programs have turned out to be both harmful to asylum seekers and ineffective at discouraging migration. First, rather than truly addressing the root causes of migration, these programs ultimately increase securitization and forward externalization of borders by prioritizing border security and criminal justice efforts over other forms of "development." Indeed, the Caribbean Basin Security Initiative explicitly aimed to "advanc[e] Caribbean and U.S. national security" (US Department of State 2023, 120) by reducing migration flows. By framing migration primarily as an issue of national security, focusing on criminal justice

enforcement and border control with no concern for human rights, the US further engages in the securitization of its borders through these bilateral aid agreements that pressure other nations to strengthen migration enforcement and thus deter refugees, against the 1951 UN Convention and its 1967 Protocol. Similarly, the Root Causes of Migration Strategy furthers the externalization of US borders as a refugee deterrence tactic through its initiative to "[expand] legal pathways" and offer an "alternative to irregular migration" (US Department of State 2023, 76). While framed as aid programs, such measures function primarily to prevent displaced persons from reaching US borders and claiming asylum. Thus, these programs simply act as yet another refugee deterrence measure, designed to contain displacement outside the US.

Second, these aid programs have a low chance of success. Another developmental aid program, the United States' Agency for International Development (USAID)'s 2015 Central American Regional Security Initiative, dedicated 0.2 percent of US GDP to fostering economic growth to decrease violence-driven migration in El Salvador; yet that "high level of growth would need to be sustained for three generations (until 2097) before it would begin to deter emigration" (Clemens and Postel 2018, 673). Not only do such programs ultimately reinforce securitization and externalization to prevent asylum seekers from urgently accessing safety in the US, but they also fail to account for structural challenges beyond the scope of short-term funding (Ardalan 2025, 139). In these ways, US developmental aid programs aimed towards addressing the "root causes of migration" further contribute to refugee deterrence and work against UN obligations to protect asylum seekers.

Conclusion

Through the policies and programs discussed above, the US has consistently engaged in refugee deterrence by expanding the securitization and externalization of its borders. These strategies subject asylum seekers to severe risk by diverting them to third countries that lack adequate safety and protection. As these third countries are overwhelmingly concentrated in Latin America, especially Central America, the US government has strategically outsourced its protection duties down to its southern neighbors, while disproportionately impacting lower-income Latino migrants. By outsourcing and thus evading its duty to protect displaced persons under international law, the US continues to violate the 1951 UN Refugee Convention, its 1967 Protocol, and in some cases the 1984 Convention Against Torture, exposing the protection gap between theory and practice.

Addressing this gap would require greater transparency regarding the true goals of development aid programs and their actual effects on asylum seekers and displaced persons. Although these initiatives appear to promote facets of development, they are also self-serving, as their underlying aim is to limit migration flows into the US. It would also require greater commitment to applying international legal principles when implementing migration and asylum systems. Yet, in the midst of increasingly frequent and violent ICE raids across the US in the past few months, such a solution appears unlikely. The intensification of domestic immigration enforcement by ICE reflects a broader

securitized approach to migration**1**, one that frames asylum seekers as threats rather than people displaced against their will and entitled to protection under international migration law. In the US context, meaningful change to this mistreatment of asylum seekers would require greater cooperation, engagement with international institutions, and increased concern for refugee protection—across partisan lines—as an obligation rather than an option.

1 Though it has been studied more widely since then, the concept of "securitization of migration" was first developed by researchers at the Copenhagen School of security studies in the 1990s. For more information, see (Herrmann 2025).

For references, see pages 89-91.

From Entitlement to Permission: Legal Infantilization, Illegalization, and Gendered Grievances in Domestic Work

Written by Mathilde Péchayre

Edited by Alix Broudin

Abstract:

This paper examines how international guarantees of health, safe work, and access to justice are weakened in practice for women migrant domestic workers in Saudi Arabia. It argues that under the kafala sponsorship system, rights formally recognized in international law are often transformed into conditional permissions exercised at the discretion of employers and filtered through moral judgments of deservingness. Drawing on Parreñas'(2021) analysis of employer-dependent legal capacity, Willen's (2012) analysis of health-related deservingness, and Constable's (2014) analysis of the gendered governance of migrant domestic workers' bodies, the paper analyzes the gap between formal legal protections and their practical usability. It combines a socio-legal reading of international and domestic legal frameworks with an analysis of secondary sources, including human rights reports and the cases of Tuti Tursilawati and Rizana Nafeek, two women migrant domestic workers. The paper focuses in particular on gaps in healthcare access, the reporting of gender-based violence, and access to justice, showing how these failures can culminate in severe forms of legal abandonment. It concludes that these harms are not incidental but structural, rooted in a system where protection depends not on formal rights but on whether migrant women are deemed worthy of receiving them.

Mathilde Péchayre *is a recent McGill graduate in Political Science and International Development Studies. Her research interests include international law, human rights, legal ethics, diplomatic affairs, and collective memory. She hopes to further develop her expertise at the intersection of international legal norms and their domestic implementation.*

Introduction

Globally, there are approximately 11.5 million migrant domestic workers, 8.45 million of whom are women. Arab states account for 27.4 percent of this workforce, with Saudi Arabia standing out as one of the region's primary destinations (Parreñas 2021, 27). A migrant domestic worker is a transnationally recruited worker employed in a private home to perform household or care work, often on a live-in basis. Once across borders, migrant domestic workers' lives are governed at two distinct levels. At the international level, labour and human rights standards promise protections around health, safe working conditions, and access to remedy. At the domestic level, destination-country rules determine whether and how those protections are reachable in practice. As a result, the gap between the two creates concrete barriers to freedom of movement, healthcare access, and legal protection – burdens that fall hardest on women workers.

In Saudi Arabia, domestic work is structured by the *kafala* sponsorship system, which originated with the oil-driven development of the mid-twentieth century. Far from unique to Saudi Arabia, it applies to migrant workers across Gulf Cooperation Council states, including Kuwait, Qatar, the United Arab Emirates, Bahrain, and Oman, as well as Lebanon and Jordan. Since the mid-1950s, Gulf states have relied on this framework to manage the rapid influx of migrant labour fuelled by economic expansion (Azhari 2017, 63). Under this system, a migrant domestic worker's legal status is tied to a single employer, meaning that their ability to enter, remain in, or leave the country depends on that employer's consent, foten conditioned by personal incentives (Azhari 2017, 62). Such incentives may include retaining control over a worker's labour, avoiding recruitment costs, or preventing a worker from reporting abuse or poor conditions.

This essay argues that Saudi Arabia's kafala system actively converts international guarantees of workers' rights into conditional permissions. By tying legal status to a single employer and making access to care and justice depend on judgments of deservingness, the system creates concrete gaps in healthcare and in the reporting of gender-based violence. More broadly, it shapes who the state recognizes as a victim and who it renders legally and socially expendable. This structural logic carries a distinctly gendered weight, as women migrant domestic workers are admitted as workers but often denied recognition as claimants, particularly when sexual violence and coercion within the private household fall outside what the law is willing to recognize. In Saudi Arabia, the cases of Indonesian domestic worker Tuti Tursilawati and Sri Lankan domestic worker Rizana Nafeek illustrate these dynamics. Tursilawati was executed in 2018 after being accused of killing her employer while fleeing alleged sexual abuse; Nafeek was executed in 2013 following her conviction in the death of an infant she maintained was accidental. These cases are not exceptional, but rather symptomatic of broader structural conditions in which employer-dependent legal status, blocked access to justice, and gendered judgments of credibility shape migrant domestic workers' lives. To examine those conditions, this paper draws on three analytical lenses: Parreñas' (2021) account of employer-dependent legal capacity under kafala; Willen's

(2012) conception of "deservingness," through which some migrants are judged more worthy of care and protection than others; and Constable's (2014) analysis of the gendered governance of migrant domestic workers' bodies.

Entitlement to Permission and Legal Infantilization

International and domestic gender and labour rights frameworks are meant to secure care and protection for migrant domestic workers. Because migration unfolds across borders, international standards set a baseline. However, day-to-day protection depends on what states ratify, incorporate, and enforce at home. While states may sign or endorse international instruments as an expression of political will or moral alignment, ratification is what transforms these commitments into binding legal obligations. Without it, standards remain aspirational, states face no accountability under international law for their violation, and workers have no enforceable claim to the protections those instruments promise. On paper, the formal international framework governing these protections is set by the International Labour Organization (ILO) standards, the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), and the two international covenants: the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These instruments operate together: the ICCPR protects liberty and due process, the ICESCR guarantees health and work, while CEDAW centers women's specific risks across recruitment, transit, and employment. Alongside these instruments are recruitment rules and standard contracts in workers' countries of origin, as well as destination-country labour and migration laws that govern residence, employment, and access to complaint procedures.

Following the ILO's 2011 Domestic Workers Convention, Gulf states introduced new statutes and bilateral agreements, showing a will to guarantee the rights of workers in the region. However, the gap between international protection and usable rights persists in practice, and becomes clearer when examined at the domestic level. In Saudi Arabia, key international instruments—including the ILO Domestic Workers Convention, the ICCPR, and the ICESCR—remain unratified. CEDAW has been ratified, but with reservations limiting its provisions to what is compatible with Sharia law. Protection in practice therefore falls to the Regulations for Domestic Workers and the Like, administered by the Ministry of Human Resources and Social Development, which formally guarantees contract transparency, rest periods, medical care, and access to a complaint mechanism (Ministry of Resources and Social Development n.d., 4–7). Yet, domestic workers are excluded from the broader Saudi Labour Law, meaning these regulations carry no equivalent enforcement weight, leaving compliance largely at the employer's discretion (Parreñas 2021, 30–31). In other words, unlike workers covered by the Labour Law, domestic workers have no access to labour courts, no right to organize, and face an employer penalty system so weak that fines rarely exceed the equivalent of 530 US dollars, offering little meaningful deterrent against abuse (International Trade Union Confederation 2017, 19).

Therefore, as rules descend from international principle to household practice, the state's grip loosens and employer control thickens as it is embedded in legal status itself. Workers cannot move freely within the labour market without their employer's consent, and that same employer bears legal responsibility for them; an arrangement Parreñas (2021, 29) describes as the “legal infantilization of domestic workers.” This moral logic is illustrated by one employer's reasoning that confiscating a worker’s passport and denying days off raised no question of humanity or human rights, as long as wages were paid and no physical harm was inflicted (Parreñas 2021, 26). Even entitlements as basic as a weekly rest day are frequently reduced to employer discretion, their granting or withholding a reflection of the power asymmetry kafala institutionalises (Parreñas 2021, 46). The implications reach far beyond time off: a blocked transfer may trap a worker in an abusive household, while an “absconding” accusation—the charge of leaving without employer authorisation—can trigger detention, deportation, or the loss of lawful immigration status (Parreñas 2021, 46). Furthermore, if documents are not renewed, a previously authorized stay can become irregular, making complaint, movement, and access to care riskier in practice.

Health-Related Deservingness and Limited Access to Care

Once a worker becomes irregular, access is filtered by “health-related deservingness”: a form of moral sorting through which employers, care providers, and state actors judge whether a migrant is worthy of care, attention, and protection, independently of formal entitlement or service availability (Willen 2012, 805). Willen argues that deservingness operates neither as a purely state logic nor a purely social one, but simultaneously at the juridical, sociopolitical, and experiential levels. At the juridical level, irregular status strips workers of legible claims to rights; at the sociopolitical level, migrants are constructed as undeserving members of the moral community; and at the experiential level, these judgments surface in everyday clinical, bureaucratic, and domestic interactions (Willen 2012, 806). In consequence, such "deservingness” judgements result in avoidance, delay, and self-censorship in seeking care or remedy, with real health consequences (Willen 2012, 805). A recent Amnesty International report on Kenyan domestic workers in Saudi Arabia illustrates how women were often denied sick leave, refused access to doctors or hospitals, and forced to continue working while ill, sometimes receiving only painkillers instead of proper treatment (Amnesty International 2025, 6). It also notes that many workers were not given he health insurance cards normally required to access care, enabling employers to withhold treatment altogether. Employer control and fear thus undermine what is formally a right, making healthcare access conditional at best.

Willen (2012, 808) also links the idea of deservingness to “embodiment,” turning a legal status problem into a bodily one. She discusses how prolonged deportability stress can become physically embedded in the body as cumulative wear and tear—also described as “allostatic load”—which may result in delayed healing or late-stage disease (Willen 2012). Adding another layer, these deservingness judgments do not only produce heightened stress but also

restrict migrant domestic workers' bodily agency more broadly. In that sense, Constable (2014, 1) argues that migrant domestic workers are admitted for a "special, limited purpose [...] and no more," generating conflicts around sexuality, pregnancy, and health treatment. Women migrant domestic workers are thus expected to provide labour and care for others, but not to become pregnant, fall ill, or make claims to care for themselves. When they do, they find themselves without support and facing the very gaps in protection this paper examines; unable in practice to access the rights that international frameworks formally promise them.

Gendered Harms and Access to Justice

The gendered dimension of rights violations in domestic work is not simply a function of the sector being female-dominated but is rather structural. Domestic work is feminized, privatized, and removed from public oversight. It is also governed by assumptions about women's bodies, sexuality, and moral conduct that shape both the harm workers experience and their credibility when they seek redress. The private household, as a site of labour, is therefore simultaneously a site of moral regulation where women workers are expected to be compliant and uncomplaining, and a space where any deviation from that expectation is used to discredit rather than protect them (Parreñas 2021, 47). In the Saudi context, where kafala further concentrates this power in the employer's hands, the consequences of these structural failures can be especially severe, at times culminating not in protection or remedy, but in criminal punishment and even death sentences. The International Trade Union Confederation (ITUC) notes that, despite some legal reforms, existing measures fall short: "Saudi Arabia has also not taken sufficient measures to ensure that all domestic workers have effective access to courts, tribunals or other forms of dispute resolution or effective access to complaint mechanisms" (International Trade Union Confederation 2017, 19). Moreover, Reprieve's (2023, 4-5) recent analysis of executions under Mohammed bin Salman, Prince of Saudi Arabia, describes the past years as among "the six bloodiest years of executions in Saudi Arabia's recent history," highlighting that foreign nationals in low-paid work are disproportionately represented among those executed, with at least 56 percent of foreign national women executed between 2010 and 2021 being domestic workers.

In this context, the cases of Tursilawati and Nafeek matter not as exceptional death penalty cases, but as illustrations of whose suffering is recognized and whose claim to justice is heard. Nafeek was arrested in 2005 and later sentenced to death following the fatal injury of an infant in her care. Only seventeen at the time of the alleged offence, evidence of her age was excluded at trial, despite Saudi Arabia's obligations under the Convention on the Rights of the Child (Amnesty International 2013, 1-2). As a state party to the Convention since 1996, Saudi Arabia is bound by Article 37, which explicitly prohibits capital punishment for offences committed by persons under eighteen, an obligation that was directly violated in Nafeek's case. Amnesty International also reports that she had no access to a lawyer during interrogation or trial, that her confession was allegedly extracted under duress, and that interpretation was deeply unreliable (Amnesty International 2013, 1). In Tursilawati's case, Amnesty International reports that she was

sentenced to death for killing her employer after he allegedly attempted to rape her. After fleeing, she was reportedly raped by nine men and no investigation into those rapes was reported to have taken place (Amnesty International 2011, 1). Amnesty further notes that she did not have a lawyer during the first two months of her trial, only an interpreter, and there is no indication that her self-defence claim or experiences of sexual violence were meaningfully considered (Amnesty International 2011, 1). Taken together, these cases illustrate the precise mechanism through which rights become permissions under kafala. Because their legal status was tied to their employers, neither woman had a safe route to report abuse or seek redress without risking deportation or criminal liability. Additionally, because Saudi Arabia's domestic legal framework excludes domestic workers from ordinary labour protections and remains insulated from binding international standards, the legal process functioned not as a safeguard of rights but as a mechanism that legitimized their executions.

Conclusion

Across global labour migration flows, domestic work has emerged as a predominantly female and consistently underprotected sector. In Saudi Arabia, where the kafala system ties legal status to employer consent, this vulnerability is institutionalised. As this paper has shown, international guarantees of health and safe work do not reliably yield usable rights when employer-tied status and deservingness judgments govern access. Because enforcement is domestic, gaps between international protections and their practical implementation persist. Key international instruments remain non-binding or unratified, and oversight in private homes is thin. Implementation thus falls to employers who, driven by personal incentives, often replace legal parity with quasi-parental control. Consequently, access to health and justice function as permissions, especially in a female-dominated sector where the stakes of seeking care or reporting gendered violence include loss of income, housing, and status. In that sense, Tursilawati's and Nafeek's cases suggest that without real and practical access to justice, migrant domestic workers' rights risk remaining "paper rights," acknowledged in treaties but not enforceable in the spaces where migrants live and work.

Evaluating the protection of migrant workers therefore requires more than tracking ratifications and legislative reforms; it requires asking whether migrant women like Tursilawati and Nafeek can actually use the law without being punished for doing so. The ITUC (2017, 19) has long called for domestic workers to have effective access to courts, tribunals, and independent complaint mechanisms decoupled from their immigration status—reforms that remain largely unimplemented in Saudi Arabia. These measures matter precisely because they reduce workers' dependence on employers at the moment when abuse, illness, or exploitation must be reported. Yet even these reforms would remain insufficient so long as ratification is partial and migration control takes primacy. Therefore, unless the legal architecture shifts capacity away from the employer and builds complaint pathways insulated from status loss, the protections promised in international law will remain largely theoretical.

For references, see page 91.

Borders of Belonging: A Case Study of Public Attitudes Towards Migration in Morocco

Written by Alya Mernissi

Edited by Alix Broudin

Abstract:

This paper examines public attitudes toward migration in Morocco, a country that has transitioned from an emigration state to a key transit and destination hub within global migration governance. It argues that Moroccan migration attitudes are shaped less by egotropic economic self-interest and more by sociotropic concerns, perceptions of national belonging, and geopolitical asymmetries between Morocco, Europe, and sub-Saharan Africa. Drawing on migration theories, the study shows how collective anxieties and symbolic boundaries outweigh material competition in shaping public opinion. The Moroccan case underscores the need for migration frameworks that account for postcolonial identity and South–South migration dynamics.

Alya Mernissi *is an undergraduate student at McGill University studying Political Science and Psychology with a minor in Physiology. Her research interests include migration governance, public attitudes toward migration, and identity politics in North Africa.*

Introduction

What happens when a nation's borders are crossed not only by people, but by fears, histories, and identities too large to contain? In recent years, the global debate around migration has intensified, as countries grapple with growing transnational mobility, shifting political ideologies, and polarized public opinion. While much of the literature on migration attitudes study Western nations (Hainmueller and Hiscox 2010; Hainmueller and Hopkins 2014), perceptions in South-South migration contexts such as North Africa remain underexplored.

To understand how citizens respond to demographic change, scholars, such as Hainmueller and Hopkins (2014), study attitudes towards migration. Hainmueller and Hopkins (2014) distinguish between two broad explanatory frameworks: egotropic and sociotropic reasoning. Egotropic perspectives suggest that individuals evaluate immigration based on their personal economic interests and circumstances, such as wage effects or employment opportunities. In contrast, sociotropic explanations emphasize perceptions of immigration's broader impact on society, including its effects on the national economy, social cohesion, or public services. Research across multiple continents suggests that sociotropic considerations often outweigh purely individual economic concerns (egotropic) when shaping attitudes towards migration (Hainmueller and Hopkins 2014). Within this framework, both economic and cultural concerns can operate as sociotropic evaluations, since they reflect individuals' perceptions of how migration affects society as a whole rather than their personal circumstance (Scheve and Slaughter 2001, 134).

Morocco presents a compelling case for studying these dynamics due to its unique geopolitical and cultural position. It embodies a hybrid identity: a North African nation situated at the crossroads of Arab, African, and Islamic cultural spheres while maintaining its distinct Amazigh (Berber) heritage. At the same time, Morocco has become increasingly integrated into European migration governance. Through cooperation agreements with the European Union (EU), the country has assumed an expanding role in managing migration flows across the Mediterranean, effectively functioning as a regional de facto gatekeeper for Europe (Hadji 2022).

Historically, Morocco has been a country of emigration with millions of Moroccans residing abroad, particularly in Europe (de Haas and Berriane 2012, 23). In recent years, however, Morocco has increasingly become both a transit and destination country for migrants from sub-Saharan Africa. Estimates suggest that between 150,000 and 200,000 sub-Saharan migrants currently reside in Morocco (International Organization for Migration 2022). Morocco's transformation into a migration hub is driven by several structural factors: its geographic proximity to Europe, its relative political stability compared to parts of West and Central Africa, and increasingly restrictive European border policies that have externalised migration control to North African states (Cassarino 2018). Located 14 kilometers from Spain across the Strait of Gibraltar, Morocco has become a critical staging point for migrants attempting to reach Europe. As European border enforcement has intensified over the years in intervals from 2003–2004, 2013–2014,

and again after 2018, many migrants who initially intended to continue towards Europe remain in Morocco for extended periods, transforming the country into a hybrid space of transit and settlement (Hadji 2022).

This paper argues that while egotropic and sociotropic theories of migration help explain certain aspects of Moroccan public opinion, they do not fully capture the complexity of the Moroccan case. Indeed, empirical evidence suggests that migration concerns in Morocco are largely sociotropic rather than egotropic, reflecting collective anxieties about social order, national capacity, and the perceived impact of migration on the broader community (Buehler et al. 2023; Cherti and Grant 2013; de Haas and Berriane 2012). However, these concerns emerge within a broader historical and political context shaped by colonial legacies, unequal mobility regimes, and Morocco's intermediary position between Europe and sub-Saharan Africa. Migration attitudes in Morocco therefore reflect not only sociotropic evaluations of economic and social pressure but also deeper postcolonial hierarchies that continue to structure how mobility, belonging, and legitimacy are understood in the region.

Theoretical Framework: Why Migration Attitudes Matter and What We Know

To understand the limitations of existing models in explaining Morocco's case, it is necessary to first examine the dominant theoretical frameworks used to study migration attitudes. In political science and international political economy, scholars have proposed a range of models to explain these preferences, often grounded in economic self-interest, sociotropic reasoning, or cultural psychology.

The factor model, derived from classical trade theory, explains immigration preferences through individuals' position in the labor market (Scheve and Slaughter 2001, 134). According to this framework, workers who share similar skill levels with immigrants are expected to oppose immigration because migrants increase labor supply in their sectors, intensifying competition and potentially lowering wages (Cherti and Grant 2013, 17). In labor-abundant economies, this dynamic is predicted to produce stronger anti-immigrant attitudes among lower-skilled workers whose jobs are most easily substituted (Scheve and Slaughter 2001, 134). Scheve and Slaughter (2001) find that, in the United States, individuals with lower levels of education are significantly more likely to oppose immigration, consistent with the idea that workers who face greater labor-market competition express stronger restrictionist preferences. Similarly, O'Rourke and Sinnott (2001) show that individuals employed in sectors exposed to international labor competition tend to hold more negative views towards immigration. Together, these findings suggest that immigration attitudes are shaped in part by how individuals expect migration to affect wages, employment prospects, and the distribution of economic opportunities within the labor market.

Yet, egotropic models struggle to explain anti-immigration sentiment among individuals who are not personally affected by immigration economically. As a result, a large body of scholarship has shifted towards sociotropic explanations, which emphasize how individuals evaluate migration in terms of its perceived consequences for the national economy, public services, and social stability. Walter (2021,

422), for example, finds that attitudes towards globalization and migration are often shaped less by direct personal exposure to economic risks than by broader perceptions of macroeconomic uncertainty and policy instability. In this perspective, individuals form opinions about migration by interpreting signals about national economic performance and the state's capacity to manage social change.

The literature has therefore increasingly moved beyond economic determinism, the assumption that political attitudes can be explained primarily or exclusively through economic self-interest. Instead, a growing body of research points to cultural identity, perceived status loss, and symbolic threat as central drivers of migration backlash. In this view, opposition to immigration often reflects fears that newcomers may alter the cultural character of the nation or challenge established hierarchies of belonging, even when no direct economic harm is experienced. Hainmueller and Hiscox (2010), for example, demonstrate that attitudes towards immigrants are often shaped less by skill-based economic calculations than by how immigrants are socially perceived, while Margalit (2019, 154) similarly argues that migration attitudes frequently emerge from subjective interpretations of change rather than objective personal loss. These findings suggest that anti-immigrant sentiment is often rooted not in direct material deprivation, but in the perception that migration threatens the symbolic boundaries, values, and identity of the national community.

These perspectives shift the focus from the individual to group-level fears, social cohesion, and moral hierarchies. In settings like Morocco, where informal labor, colonial legacies, and community-centered identities are central (de Haas and Berriane 2012, 23), traditional economic models fall short without integrating sociotropic and cultural dynamics.

From Pockets to Publics: The Sociotropic Outweighs the Egotropic

One of the defining features of migration attitudes in Morocco is that public concerns are rarely driven by egotropic economic considerations. This pattern is somewhat surprising given Morocco's domestic economic context, as the country faces persistent structural unemployment, particularly among youth, as well as significant regional inequalities between urban and rural areas (World Bank 2021). Under the logic of the factor model, such economic conditions would normally be expected to generate strong egotropic opposition to immigration, as individuals experiencing economic insecurity might perceive migrants as competitors for scarce jobs or wages. Yet, the empirical research on migration in Morocco suggests that direct labor-market competition is rarely a central concern expressed by Moroccan citizens (International Organization for Migration 2022).

For example, studies of migrant labor markets show that sub-Saharan migrants in Morocco primarily occupy precarious segments of the informal economy, including street vending, domestic work, construction, and low-wage service jobs (de Haas and Berriane 2012, 55). These sectors are often characterized by irregular employment and minimal workforce protections, making them less attractive to Moroccan workers. As a result, migrants tend to occupy economic niches that only partially

overlap with formal labor markets. Moreover, most migrants are either in informal settlements or working in marginalized urban peripheries, with limited access to social welfare programs or public benefits (Cherti and Grant 2013, 16). Consistent with this pattern, Cherti and Grant (2013, 12) and de Haas and Berriane (2012, 55) find little evidence that Moroccan citizens perceive migrants as direct economic competitors. Taken together, these dynamics suggest that the predictions of egotropic models, such as those advanced by Scheve and Slaughter (2001), do not fully account for migration attitudes in the Moroccan context.

Instead, migration concerns in Morocco are often framed in sociotropic terms, focusing on the perceived effects it has on Moroccan stability and social cohesion and interpreted through collective rather than individual lenses. Cross-cultural psychology distinguishes between independent and interdependent self-construals, where individuals in some societies define themselves primarily through personal autonomy while others emphasize a relational or communal identity (Markus and Kitayama 1991). In many North African and Middle Eastern societies, including Morocco, social identity is closely tied to familial networks and collective social belonging as well as collective responsibility. Indeed, IPPR (2013) and OECD (2020) reports find that Moroccans believe migration puts strain on public services, contributes to urban congestion, increases crime, and generates security concerns (Cherti and Grant 2013, 15). The pertinence of collective identity may be one reason why migration debates tend to focus on the perceived consequences of migration for the broader national community.

Furthermore, institutional limitations contribute to sociotropic perceptions of migration as a collective challenge. Migrants are primarily concentrated in northern cities such as Tangier, Nador, and Oujda, where municipal infrastructure and social services are already under strain (Cherti and Grant 2013, 16). As Walter (2021, 434) argues in the broader context of globalization backlash, local populations perceive migrant influxes as an external problem being internalized, leading to grievances over housing, informal labor markets, and access to overstretched public services, even when their own material conditions have not objectively worsened. In Morocco, these perceptions manifest as Walter (2021) predicts: sociotropic concerns, framed around collective decline rather than individual harm, heighten the perception of disorder or competition over urban space.

Together, these dynamics shift the focus on public concern away from individual economic competition and towards broader questions of national capacity. The next section explores the role of geopolitics, migration governance, and colonial histories in influencing sociotropic attitudes towards migration.

Postcolonial Mobility Hierarchies and the Limits of Sociotropic Explanations

If sociotropic concerns shape the economic frame of migration attitudes, postcolonial legacies and cultural identity dynamics provide their emotional and symbolic force. While sociotropic frameworks help explain why migration attitudes are often expressed in terms of collective national concerns, they do not account for the historical hierarchies and geopolitical asymmetries within which these

attitudes emerge.

An important dimension of these asymmetries lies in the geopolitical structure of the current migration governance. Through cooperation with the EU, Morocco has increasingly assumed responsibility for monitoring migration routes and limiting irregular crossings into Europe, effectively transforming the country into a de facto regional gatekeeper for Europe border control (Hadji 2022). Morocco intercepted nearly 78,700 irregular migration attempts in 2024, illustrating the continuing migratory pressure shaping public perceptions of mobility (Reuters 2025). As migration routes have tightened, many migrants who intended to reach Europe remain in Morocco for extended periods, transforming the country from a transit corridor into a holding space within European migration governance.

This geopolitical arrangement shapes how migration is interpreted domestically. Rather than being understood solely as the result of domestic labor or economic exchange, migrant presence is viewed as a consequence of international political arrangements in which Morocco manages migration flows on behalf of Europe. As Peters (2015, 525) argues, migration tends to generate stronger political backlash and public opposition when it is perceived as involuntary, uncontrolled, or externally imposed rather than domestically driven or needed based on economic demand. In the Moroccan context, migration is therefore frequently framed in public discourse not as an economic need but imposed by a geopolitical condition produced by European border policies, reproducing longstanding power imbalances between European countries and its southern neighbours. While Europe seeks to retain control over entry into their territory, neighbouring countries such as Morocco absorb the social and political consequences of their migration governance. These tensions are also influenced by older colonial histories and find themselves sustained through neo-colonial dynamics, further complicating how migrants are perceived and intensifying the symbolic and political dimensions of migration debates.

Geopolitical asymmetries also exist between Morocco and sub-Saharan Africa, whereby colonial hierarchies created racial and regional distinctions that continue to influence contemporary social and identity-based perceptions across Africa and between ethnic groups within Morocco. Postcolonial scholars such as Fanon (1961) and Mbembe (2001) argue that European colonial administrations institutionalized racial classifications that separated North Africa from sub-Saharan Africa. While territories such as Morocco, Algeria, and Tunisia were integrated into a Mediterranean imperial sphere closely tied to Europe, West and Central African territories were administered through distinct colonial federations such as Afrique Occidentale Française and Afrique Équatoriale Française (El Qadim 2017). These administrative divisions were reinforced through colonial governance, educational systems, and political discourse, producing enduring distinctions between what was frequently framed as “Mediterranean” North Africa and “Black Africa” (El Qadim 2017). In the Moroccan context, these historical hierarchies intersect with contemporary migration from sub-Saharan Africa, where migrants are frequently interpreted through racial and cultural boundaries that contribute to patterns of social exclusion (Cherti and Grant 2013). Cherti and

Grant (2013, 34) document racial discrimination towards sub-Saharan migrants in Morocco, particularly in housing access, employment opportunities, and day-to-day public interactions. Human Rights Watch (2014) reports similar patterns of exclusion and abuse as they interviewed dozens of migrants who reported beatings, arbitrary arrests, and forced displacement during Moroccan migration enforcement operations. Together, these findings indicate that attitudes towards migrants are embedded in racial hierarchies of belonging, which are shaped by a colonial history that continues to structure unequal power relations between two parts of the same continent.

Morocco's position within international migration systems is further complicated by its long-standing role as a country of emigration. For decades, Morocco has been a major source of migration to France, Spain, and other European states (de Haas and Berriane 2012, 23). An estimated five million Moroccans reside abroad, primarily in Europe, and remittances from the Moroccan diaspora reached roughly $11.8 billion in 2023, representing around 8 percent of national gross domestic product (de Haas and Berriane 2012; World Bank 2024). As a result, outward migration has historically been understood within Morocco as a pathway towards economic mobility and social advancement.

At the same time, Morocco has increasingly become a transit and settlement country, sustaining a dual position in an already layered system of mobility where opportunities for movement are unevenly distributed (de Haas 2007, 822). Survey evidence from Morocco supports this dynamic. Buehler et al. (2023, 11) find that Moroccan respondents frequently express threat perceptions towards sub-Saharan migrants in terms of job competition, wage depression, and pressure on the labor market, particularly among poorer and urban populations. These findings suggest that anti-migrant sentiment is often articulated through sociotropic economic concerns: not only a fear of individual loss, but anxiety that growing migrant settlement may place strain on employment, resources, and the social balance of the national community.

In this way, the perception of "more migrants" becomes politically meaningful not simply as a demographic observation, but as a sociotropic fear that economic insecurity and social belonging are becoming harder to secure for Moroccans within Morocco itself (Buehler et al. 2023, 11). At the same time, the prominence of economic language in these debates is not historically accidental. Colonial expansion across Africa was structured through systems of economic extraction, labor control, and unequal integration into global markets (Mbembe 2001). Existing theories acknowledge collective economic fears, yet they overlook how these colonial economic structures produced unequal mobility regimes in which emigration towards Europe became normalized in Morocco, while immigration from sub-Saharan Africa is discouraged. In this context, economic fears are not simply reactions to migration itself, but responses to historically structured systems of mobility that assign unequal legitimacy to different forms of movement.

The Hope of Solidarity? Possibilities of Positive Framing

Although sociotropic concerns are frequently associated with negative attitudes towards migration, particularly fears about economic burden, national identity, and social cohesion, these collective evaluations can also underpin inclusive or solidaristic views, depending on how migration is framed by elites and institutions. Sociotropic reasoning, in this sense, is not inherently exclusionary; it is malleable, and when tied to narratives of national strength or international reputation, it can lead to more positive public perceptions of migrants. For example, Hainmueller and Hiscox (2010) suggest that individuals across skill levels respond more favorably to immigration when it is framed as beneficial for the national economy or society as a whole. In such cases, migration is seen as a contribution to collective welfare, not a threat to it.

In Morocco, the state has made deliberate efforts to activate positive sociotropic attitudes through migration reform. Under King Mohammed VI, migration policy has been repositioned as a matter of South-South solidarity, particularly with sub-Saharan African states. This has been done through both symbolic and institutional means. For instance, Morocco launched two regularization campaigns, first in 2013 and later in 2017, which granted residency permits to over 50,000 undocumented migrants and promised access to healthcare, education, and labor protections (Cherti and Grant 2013, 35). These efforts were grounded in the 2014 National Strategy on Immigration and Asylum, which emphasized the integration of migrants and framed their inclusion as a component of Morocco's international leadership and religious obligation (de Haas and Berriane 2012, 66).

This reframing of migration as a dimension of Morocco's international identity continued to develop in subsequent years. Morocco's hosting of the Global Compact for Migration in 2018 further reinforced its role as a diplomatic leader in migration governance. These actions have helped frame migration not as a domestic problem but as a geopolitical opportunity, allowing Morocco to present itself as a stable, progressive partner on the global stage (Cherti and Grant 2013, 17).

More recently, Morocco's hosting of the Africa Cup of Nations (AFCON) between late 2025 and early 2026 provided another moment through which the state projected African solidarity and continental cooperation. The tournament was widely depicted as a celebration of pan-African unity and Morocco's role as a bridge between North Africa and the rest of the continent (Hache et al. 2026). In this sense, AFCON reinforced the broader diplomatic narrative promoted by Moroccan migration policy: that mobility within Africa can be interpreted not only as a challenge but also as an opportunity for regional integration and shared development. At the same time, the visibility of cross-continental mobility during the tournament also underscored the ambivalence that continues to shape public attitudes, illustrating how moments of continental solidarity coexist with ongoing concerns about resources, urban space, and social belonging.

Conclusion

Taken together, these dynamics highlight an important theoretical implication: migration attitudes in Morocco cannot be understood solely through individual economic incentives

but must be examined through the interaction of collective economic perceptions, historical hierarchies, and political narratives of belonging. Morocco's migration debate reveals a critical blind spot in conventional wisdom: public attitudes are not driven by economic self-interest, but by deeper struggles over national identity and moral belonging. While egotropic models expect individuals to evaluate immigration according to personal economic incentives, the Moroccan case demonstrates that public attitudes are more often shaped by collective concerns about national resources and social stability. In this sense, the Moroccan experience complements sociotropic explanations of migration attitudes while illustrating the limits of egotropic assumptions about individual economic self-interest. Informal labor markets complicate the logic of direct labor competition, while sociotropic perceptions focused on the perceived consequences of migration for the national community play a central role in shaping public opinion. At the same time, sociotropic concerns are embedded within longer historical hierarchies rooted in colonial governance and contemporary geopolitical arrangements, particularly Morocco’s role in European migration management.

Ultimately, the Moroccan case suggests that migration attitudes cannot be fully understood through models centered exclusively on individual economic incentives. Recognizing this does not require abandoning existing theories of migration attitudes, but rather situating them within broader social and historical contexts. The key question, therefore, is not simply whether migration produces economic competition, but how societies interpret mobility in relation to their collective identity and determine who belongs within the boundaries of the national “we.”

For references, see pages 91-92.

Statelessness and the Limits of Human Rights

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Abstract:
Drawing on academic and legal literature, this article presents a short overview of statelessness to understand how it emerges, the forms it takes, and its relation with human rights. Human rights are supposed to be universal; however, they are mostly administered by territorial nation-states. Individuals who do not possess citizenship in these nation-states are thus excluded from the human rights framework. The paper distinguishes between de jure statelessness, in which individuals lack citizenship under any state law, and de facto statelessness, in which individuals theoretically possess a citizenship but cannot legally access it or the rights that come with it. The article demonstrates how statelessness produces exclusion and vulnerability, notably through examples such as the Rohingyas in Myanmar, the Roma in Europe, and the India–Bangladesh enclaves. It argues that statelessness reveals the limits of the international human rights system. It also proposes reforms, including changes in nationality laws, stronger international cooperation, recognition of de facto statelessness, and the partial deterritorialization of human rights.

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The modern international system is built on the idea that every individual belongs to a country. Yet, millions are denied the recognition of state membership. Indeed, in 2024, the United Nations High Commissioner for Refugees (UNHCR) estimated, based on data from half the world's countries, that 4.4 million people had undetermined nationality or were stateless (Global Alliance to End Statelessness n.d.). Statelessness is experienced by a person "who, under national laws, does not enjoy citizenship —the legal bond between a state and an individual—with any country" (UNHCR 2006). Citizenship is given through two main legal principles: *jus sanguinis* (right of blood), where nationality is transmitted from one's parents, and *jus soli* (right of the soil), where nationality is given to people born on the national territory. Individuals become stateless when they do not qualify under either principle or when no state recognizes them. Then, allegedly "universal" human rights become inaccessible to those without a nationality, turning these rights into a privilege of citizenship rather than an inherent birthright. As states are the gatekeepers of rights, those who do not pertain to any state do not have access to human rights. This paper will argue that statelessness undermines the universality of human rights because modern international law extends rights only to those who have been granted legal citizenship by a territorial state. I will first explore how statelessness undermines human rights, as well as the protection gaps that lead to statelessness. I then examine the two types of statelessness—de jure and de facto—providing contemporary examples for each case. Finally, I will discuss some proposed solutions within the current scholarship on statelessness that can be applied within states and internationally.

Statelessness, Nationality, and the Limits of Human Rights Law

Article 15 of the Universal Declaration of Human Rights says that "Everyone has the right to a nationality" (Berkeley 2009, 6). Systematizing the concept of citizenship was a significant reform in human rights law. However, it also meant that, as nationality became the link between the Law of Nations and individuals, human rights had to be administered by states (Berkeley 2009, 6). Therefore, nationality is the foundation for all other rights (Batchelor 1998, 156). Statelessness, then, undermines human rights. Indeed, in the Westphalian state system, political authority is territorial, and each state exercises "exclusive authority within its own geographic boundaries" (Krasner 1995, 115). Thus, it is the states that decide who they grant citizenship to. Therefore, while human rights are supposed to be universal, their enforcement depends on the sovereignty of nation-states (Cambre 2010, 46).

Arendt equates statelessness to "rightlessness" (Cambre 2010, 54), explaining that "once a person becomes 'stateless,' he or she de facto becomes 'rightless,' a deterritorialized person" (Cambre 2010, 62). Stateless people do not just lack specific rights; they lack the framework, institutions, and laws that provide those rights, because the state is the providing institution (Shewly 2017, 112). Hence, citizenship is the key to having access to rights. This structural exclusion that bars people from any recourse to defend themselves against human rights abuses explains why statelessness is one of the worst forms of human rights insecurity.

The condition of statelessness also presents a legal issue of jurisdiction and law enforcement,

as stateless people's status makes it difficult to apply the law to them, for example, when they are detained in a country that wants to expel them but does not know where to send them (Batchelor 1998, 159). Further, statelessness creates another legal caveat, wherein the state can still exercise coercive power over stateless people on its territory, as it can with foreigners, while simultaneously preventing them from accessing any state protection.

Cases of De Jure versus De Facto Statelessness

The Convention relating to the Status of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961) defined two forms of statelessness, whose conditions differ. De jure stateless are recognized under international laws and are eligible to receive rights under that status (Batchelor 1998, 170). De facto stateless do not receive the same protection, as states are not required to recognize them as legally stateless.

De jure statelessness

When someone does not automatically acquire nationality under any state's law, they are understood as de jure stateless (Batchelor 1998, 171). This is a strictly legal condition: it depends solely on what nationality laws say on paper, regardless of whether or not persecution was involved (Batchelor 1998, 172).

People can become de jure stateless for a number of reasons. For example, a person may not be granted nationality at birth because two states may have conflicting laws granting nationality based on descent (*jus sanguinis*) or on birthplace (*jus soli*), and these states assume the other is responsible for granting citizenship to someone born in one country with family in another (Batchelor 1998, 161). It can also occur when people do not receive nationality after state secession, for instance, with the splitting of South Sudan from Sudan (Tucker 2016, 10), or succession, when a country dissolves, or a new one emerges (UNHCR n.d.). For example, hundreds of thousands of people in Central Asia became stateless when they could not provide the permanent residence proofs required by their country's new citizenship laws after the dissolution of the Soviet Union (Tucker 2016, 3-4). Some nationality laws further prevent mothers from passing on their nationality to their children, producing de jure statelessness when the father is unknown, absent, or stateless (Batchelor 1998, 172). Collective denationalization, when a state removes citizenship of a group for political, racial, or religious reasons, also produces de jure statelessness, because nationality is legally withdrawn.

The case of Black Mauritanians, whose citizenship was revoked by the state, is an example of de jure statelessness. In 1989, during a violent border conflict between Mauritania and Senegal, a systematic ethnic cleansing campaign targeting Mauritania's Black African population was led by the government under Maaouiya Ould Sid'Ahmed Taya. Over 120,000 Black Mauritanians were expelled to Senegal, losing their land and their property (Berkeley 2009, 4). With the destruction of their identity documents, they got stripped of their citizenship (Berkeley 2009, 12). As they were no longer recognized as nationals by Mauritania, they became stateless. Years later, although beginning to return to their homes, Mauritians still face challenges regaining their citizenship, as they lack official documentation and access to land ownership, employment, and education,

leaving them stateless in their own country (Berkeley 2009, 5).

De facto Statelessness

De facto statelessness, by contrast, refers to individuals who have a nationality in theory but cannot access it or use it in practice (Batchelor 1998, 172). For example, people who have a nationality but are fleeing their country because of persecution can become de facto stateless. This category also includes people who hold nationality in a country with which they have no effective link, rendering them unable to work, access health care, or obtain documentation (Batchelor 1998). For example, someone may inherit a parent's nationality, but be born and raised in another country. If they never lived in their country of citizenship, do not speak the language and cannot obtain legal documents from it, their nationality might offer little to no protection.

In other cases, minorities may have a nationality "on paper," but are denied their rights, such as the Roma, Europe's largest ethnic minority group (Shewly 2017, 112). Originally from northern India, the Roma now live principally in Europe. Although some scholars estimate that they have been in Europe since at least the fourteenth century, the Roma have faced continuous racism and persecution across Europe (Parra 2011, 1670-1671). Their exclusion is rooted in a history of racism, segregation, and stigmatization. In countries where nationality is mostly given by blood, Roma can be denied national recognition even if they have been in said country for generations, rendering them de jure stateless (Parra 2011, 1679). While Roma automatically receive citizenship in several European Union states, such as Hungary or Slovakia, discrimination affects their education quality, their employment rate, and their vulnerability to violent hate crimes, which in turn perpetuate de facto statelessness (Parra 2011, 1666). Furthermore, because of their discrimination and segregation, Roma often have no knowledge of, or access to, administrative procedures and personal documents, which reinforce their de facto statelessness; they have a nationality on paper, but cannot access its privileges fully (Parra 2011, 1681). In this sense, Roma experience, in practice, a form of collective denationalization since racism and exclusion prevent them from getting citizenship, or from benefiting from it.

Batchelor (1998) also identifies a further grey zone of de facto statelessness. It includes people who are de jure stateless in their country of residence but are treated as if they had another nationality, often because they can technically apply for naturalisation elsewhere. They cannot demonstrate de jure statelessness because each state says that the other is responsible. This leaves them without adequate protection in either country.

Groups like the Rohingya exist in this grey zone: Myanmar revoked their citizenship in 1982, making them de jure stateless. The Rohingya, a Muslim ethnolinguistic group, have been persecuted by Myanmar since the 1970s. To revoke their citizenship, Myanmar's government pretexted that they were illegal Bengali immigrants, although the Rohingya have been living in Rakhine state for centuries (Roy Chowdhury and Abid 2022, 68). Neighbouring states treat Rohingyas as de facto migrants who "belong elsewhere," leaving them excluded from all systems of protection (Roy Chowdhury and Abid 2022, 68). Thus,

they have no rights at all if a state determines that they have a nationality elsewhere, even if that other state does not recognize them either (Batchelor 1998, 175). This situation creates a grey area in which the protection of these individuals is passed on between states, leaving them excluded from the framework of international protection.

Without nationality and international protection, stateless people stand barred from accessing national social, economic, and political rights, such as owning property, voting, getting an education, working, and travelling (Batchelor 1998, 159). For example, in the India-Bangladesh enclaves, residents lived for decades outside the jurisdiction of any state. They were unable to access schools, hospitals, and many other fundamental rights. They could not legally enter their home country because they needed a visa, but no consulates were present in the enclaves, and they did not have any proof of nationality in any case (Shewly 2017, 117).

According to Roy Chowdhury and Abid (2022, 72), statelessness further exposes people such as the Rohingya to human rights abuses, including extortion, violence, death during forced displacement, and human trafficking. Living in violence and discrimination, many Rohingya flee their homes by boat to neighbouring countries. They are charged exorbitant sums of money by the smugglers who offer transport on their fishing boats. Their vulnerability turns them into easy victims of exploitation and trafficking; indeed, some Rohingya migrants are sold as forced labourers in large industries, such as fishing (Roy Chowdhury and Abid 2022, 69). Others are abandoned at sea when the boats are refused entry into ports, leading to starvation, sickness, and death (Roy Chowdhury and Abid 2022, 69).

Recommendations

1. States should adopt the "effective links" principle to assign nationality

In order to combat statelessness and ensure human rights for people without citizenship, I present a range of recommendations. First, Batchelor (1998) argues that nationality laws should be reformed to not only provide nationality for everyone, but an *effective* nationality. This is in contrast to a *non-effective* nationality, where a person lacks the ability to access the rights linked to their citizenship, or does not hold a strong link with the country corresponding to it. Using the *effective link* principle to assign nationality is crucial for people stuck between states disputing responsibility, long-term residents, children born in complex legal situations and groups in territorial succession cases (Batchelor 1998, 183). Manley Hudson's idea of *jus connectionis*, or "right of attachment," is a way to ensure that these connections between people and states are included in citizenship rights (Batchelor 1998, 180). A combination of *jus soli, jus sanguinis* and *jus connectionis* allows states to grant nationalities that reflect effective links (Batchelor 1998, 181).

"Effective links" grant people citizenship to the state where they are the most connected, reflecting where they live, where they work, or where the mother's nationality is. Effective links ensure compliance with the 1961 Convention rule that "transfer of territory should in no case result in statelessness" (Batchelor 1998, 176). This framework further

prevents states from shifting the responsibilities of citizenship onto one another, as it makes it harder for them to deny the clear legal integration of people in their society. Thus, in the effective link framework, populations affected by transfers of territory would be integrated into the citizenship of the new state rather than left without nationality. Effective links would also ensure that nationality laws allow mothers to transmit nationality to prevent their children from becoming stateless, which can occur under the strict application of *jus sanguinis* (Batchelor 1998, 179). International laws should encourage states in the direction of "effective link" principles to assign nationality, as international bodies do not have the authority to grant citizenship. Thus, this solution is only possible if the efforts and reforms come from the states, as only they have authority over who they grant nationality to.

2. Establish an international supervisory authority to encourage structured cooperation between states

Since statelessness is a transboundary problem and no single state can resolve it alone, structured cooperation is necessary. States, under international law, theoretically have the obligation to avoid perpetuating statelessness. The problem is that, even if "everyone has the right to a nationality" (Batchelor 1998, 168), it is sometimes unclear to which nationality they have a right. For example, Article 7 of the Convention on the Rights of the Child requires states to ensure that children born within their jurisdiction acquire a nationality. However, this only works if all states, even those following jus sanginis, grant nationality to otherwise stateless children born on their territory (Batchelor 1998, 168). Thus, even if international obligations exist, their application depends on their implementation by the state. International obligations' respect cannot be guaranteed if there is no global authority to enforce them. Indeed, the international legal frameworks offer mechanisms for cooperation, but none have the power to implement them.

Article 11 of the 1961 Convention on the Reduction of Statelessness mandates the creation of a body that allows people to make claims under the convention, a role later assigned to UNHCR (Batchelor 1998, 165). Although the UNHCR is mandated "to assist States in avoiding statelessness," neither it nor any other international body can have real authority over the state (Batchelor 1998, 174). Under the 1997 European Convention on Nationality, compliance with the recommendations is left to the states, meaning that no supervisory authority exists to resolve nationality disputes or compel states to act (Batchelor 1998, 165). Thus, international bodies exist, but struggle to implement their mandates. Even if they cannot enforce their control, a solution would be to establish a supervisory authority, either under the United Nations or directly under the UNHCR. This would facilitate dialogue between states and offer technical advice and assistance during nationality disputes, notably to stateless people wanting to claim their rights.

3. Detaching Human Rights from State Citizenship

Third, as rightlessness stems from statelessness, human rights protections must be detached from state citizenship. Stateless people are deterritorialized, meaning that they live outside the territorial framework through which states administer rights, and require protections that are not tied to a territorial

nation-state. For Cambre (2010, 62), the solution is to protect the deterritorialized by, in turn, deterritorializing human rights: "[The] protection of human rights must be divorced from the citizenship concept." Thus, human rights protections should operate independently of borders.

For Cambre (2010, 52), this involves non-state-dependent models to access rights that do not rely on geographical territory but instead on a global governance mechanism that protects the rightless. Unlike the second recommendation, which proposes a supervisory authority focused on preventing statelessness, this proposal addresses the condition of rightlessness. That is, stateless individuals should be guaranteed access to human rights even when statelessness is not resolved. Implementing an international model of rights would ensure access to human rights from an entity outside territorial states. It would also improve security, as statelessness increases the risks of conflicts between people or groups.

Cambre refers to Purcell's (2003) argument that citizenship itself is already in the process of deterritorializing, supporting the feasibility of deterritorializing rights (Cambre 2010, 55). For Purcell, three changes are emerging in citizenship. First, citizenship is being rescaled across multiple scales, not just the nation-state (Purcell 2003, 572). For example, certain rights, like local voting, are granted by cities based on residence rather than nationality. Thus, rescaling changes the level of authority: political authority is increasingly distributed between local, regional, national and international scales. Second, there is a reterritorialization of citizenship, since many new forms of belonging are not associated with a national-scale territory or its sovereignty. Unlike rescaling, which concerns the level at which authority operates, reterritorialization concerns the territorial basis of political belonging. Finally, there is a reorientation in which the nation is no longer necessarily the primary definers of community and political identity. With territory being reorganized around other scales, access to rights may be grounded on residence, local attachment and affiliation, rather than formal nationality alone. These three trends show that tying rights to nation-states is outdated and increasingly irrelevant in the context of global mobility.

For Purcell (2003), citizenship must stop being one-size-fits-all and instead follow people's multiple identities, thus becoming a combination of reorientation and a pluralization of citizenships. This argument is in line with the politics of difference that argues that "members of a community cannot be reduced to what they have in common" (Purcell 2003, 575). Citizenship should welcome social differences in political identity, loyalty, and origin.

Purcell (2003, 572) lists examples that show how some global citizenship imaginaries already exist and challenge state citizenship. Transnational and supranational citizenships, such as the European Union, coexist with proposals for global democracy and cosmopolitan citizenship (Purcell 2003, 575). While Purcell demonstrates how multiple overlapping forms of citizenship are emerging, Cambre (2010) points out that these changes in territorialization cannot fully replace the protections provided by the state. He argues that deterritorialized citizenship must complement access to human rights since states

remain the enforcers of rights; thus, state protections cannot be entirely replaced (Cambre 2010, 60). These perspectives show that to secure equal access to human rights, we have to expand citizenship beyond the traditional nation-state boundaries and to detach human rights from national territories.

4. Recognition of De Facto Statelessness

Finally, a solution to reduce statelessness is to recognize and regularize de facto stateless people, who are left with no protection as states point the finger at each other overhead. De jure stateless people can obtain certain rights under international law if their state of origin has ratified the convention (Shewly 2017, 112). This is impossible for de facto statelessness. For example, in the India-Bangladesh enclaves, the population remained without international legal protection because they were not recognized as de jure stateless (Shewly 2017, 112). The Final Act of the 1961 Convention on the Reduction of Statelessness recommends treating de facto stateless people as close as possible to de jure stateless to allow them to acquire an effective nationality (Batchelor 1998, 173). This could be achieved with the creation of an international formal procedure that would recognize and treat de facto statelessness similarly to de jure statelessness. A broader legal definition of statelessness that includes people who cannot access protection from their supposed state of nationality would help close the legal gap faced by the de facto stateless. This would extend protections and access to legal recourse to people who functionally lack citizenship.

However, some limitations to the potential for this legal recognition remain: many states have not ratified the conventions on statelessness, many others do not have formal statelessness determination procedures, and some refuse to recognize de facto stateless people living on their territory because it would oblige them to grant protection and potential citizenship. Thus, while the recognition and regulation of de facto statelessness remains a plausible solution, it will require strong incentives for states' collaboration.

Conclusion

In conclusion, statelessness undermines human rights because rights are administered through territorial states, leaving people without citizenship outside the institutional frameworks supposed to grant those rights. Thus, they become rightless. This makes them unable to work, get an education, travel internationally, own property, and access health care. It also makes stateless people more vulnerable to violence, detention, exploitation, and trafficking. Therefore, reforms in nationality laws, strengthened international cooperation, the deterritorialization of human rights, the elimination of discriminatory nationality practices, and the regularization of de facto stateless people are all proposed options to reduce statelessness and ensure true universal coverage under human rights law.

International laws must protect stateless people by rethinking the principle of citizenship and the framework for applying human rights. Ultimately, statelessness persists because sovereignty is territorial. Thus, if we want to turn the promise of universal human rights from written words to a lived reality for the over 4.4 million stateless people today, it is first and foremost essential to address the problem of statelessness.

For references, see page 92-93.

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A Successful Disguise: The "Integration" Trajectory of a Two-Time Iranian-Canadian Immigrant Mother

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The Neoliberalization of Humanitarian Ideals: A Critical Examination of the Canadian Private Sponsorship of Refugees Program

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Federalism and Immigration in Canada: Resource Management, Burden Sharing, and Institutionalist Bias?

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Legal Performance and Deservingness: Asylum Hearings and the Refugee Status Determination Process in Canada

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From Entitlement to Permission: Legal Infantilization, Health-Related Deservingness, and Gendered Justice in Saudi Arabia

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Borders of Belonging: A Case Study of Public Attitudes Towards Migration in Morocco

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Statelessness and the Limits of Human Rights

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